

Hearing Date: December 16, 2015 at 10 a.m. (Prevailing Eastern Time)
Response Deadline: December 9, 2015 at 4:00 p.m. (Prevailing Eastern Time)

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*Counsel for Ms. McNerney
and Susan M. Gray, Pro Se*

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|---|---|---------------------------------|
| IN RE: |) | CASE NO. 12-12020 |
| |) | |
| RESIDENTIAL CAPITAL, LLC, <i>et al.</i> , |) | JUDGE MARTIN GLENN |
| |) | |
| Debtors. |) | Jointly Administered Chapter 11 |
| _____ |) | |

**NOTICE OF THE MOTION OF PATRICIA MCNERNEY AND SUSAN GRAY
FOR LIMITED RELIEF FROM STAY FOR A DETERMINATION
ON CAUSES OF ACTION WITH NO COLLECTION THEREON**

PLEASE TAKE NOTICE that the undersigned has filed the attached Motion of Patricia McNerney and Susan Gray for Limited Relief from Stay for a Determination on Causes of Action with No Collection Thereon.

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will take place on **December 16, 2015 at 10:00 a.m. (Prevailing Eastern Time)** before the Honorable Martin Glenn, at the United States Bankruptcy Court for the Southern District of New York, Alexander

Hamilton Custom House, One Bowling Green, New York, New York 10004-1408, Room 501 (Bankruptcy Court).

PLEASE TAKE FURTHER NOTICE that responses, if any, to the Objection must be made in writing, conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, and the Notice, Case Management, and Administrative Procedures approved by the Bankruptcy Court (Docket Number 141), be filed electronically by registered users of the Bankruptcy Court's electronic case filing (ECF) system, and be served so as to be received no later than December 9 at 4:00 p.m. (Prevailing Eastern Time), upon (a) Chambers of the Honorable Martin Glenn United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004-1408; (b) counsel to the ResCap Borrower Claims Trust, Morrison & Foerster LLP, 250 West 55th Street, New York, NY 10019 (Attention: Norman S. Rosenbaum, Jordan A. Wishnew and Jessica J. Arett); (c) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014 (Attention: Linda A. Riffkin and Brian S. Masumoto); (d) The ResCap Liquidating Trust, Quest Turnaround Advisors, 800 Westchester Avenue, Suite S-520, Rye Brook, NY 10573 (Attention: Jeffrey Brodsky); (e) The ResCap Borrower Claims Trust, Polsinelli PC, 900 Third Avenue, 21st Floor, New York, NY 10022 (Attention: Daniel J. Flanigan); and (f) Susan Marie Gray, 22255 Center Ridge Road, Suite 201, Rocky River, Ohio 44116.

PLEASE TAKE FURTHER NOTICE that if you do not timely file and serve a written response to the relief requested in the Motion, the Bankruptcy Court may deem any opposition

waived, treat the Motion and relief sought as conceded, and enter an order granting the relief requested in the Motion without further notice or hearing.

Date: November 23, 2015
Rocky River, Ohio

/s/ Susan M. Gray
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*Counsel for Ms. McNerney
and Susan M. Gray, Pro Se*

Hearing Date: December 16, 2015 at 10 a.m. (Prevailing Eastern Time)
Response Deadline: December 9, 2015 at 4:00 p.m. (Prevailing Eastern Time)

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*Counsel for Ms. McNerney
and Susan M. Gray, Pro Se*

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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| IN RE: |) | CASE NO. 12-12020 |
| |) | |
| RESIDENTIAL CAPITAL, LLC, <i>et al.</i> , |) | JUDGE MARTIN GLENN |
| |) | |
| Debtors. |) | Jointly Administered |
| _____ |) | |

**MOTION OF PATRICIA MCNERNEY AND SUSAN GRAY
FOR LIMITED RELIEF FROM STAY FOR A DETERMINATION
ON CAUSES OF ACTION WITH NO COLLECTION THEREON**

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**TO THE HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE:**

I. PRELIMINARY STATEMENT

1. Ms. McNerney and Ms. Gray (Movants), parties in interest, request limited relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to allow the United States District Court for the Northern District of Ohio (Ohio District Court) to proceed to the merits of Ms. McNerney's causes of action that form the basis of the proofs of claim filed in this matter, along with the statutory attorney's fees that form the basis of Ms. Gray's proofs of claim. Movants do not and will not seek to execute on any judgment received in the Ohio District Court. Rather, when such judgment is made, they will seek payment via the claims process in this Court.

2. As is more fully discussed herein, the facts of this case weigh heavily in support of granting the motion for limited relief under the *Sonnax* factors.

II. JURISDICTION AND VENUE AND STATUTORY PREDICATE

3. Jurisdiction over this limited motion for relief from stay is vested in this Court pursuant to 11 U.S.C. § 1334. This matter is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory predicate for the relief sought herein is 11 U.S.C. § 362(d) and Fed.R.Bankr.P. 4001(a)(1) and 9014.

III. BACKGROUND

5. On May 14, 2012, the Debtors filed voluntary petitions seeking relief under Chapter 11 of the Bankruptcy Code. The Chapter 11 Cases are being jointly administered pursuant to Fed.R.Bankr.P. 1015(b).

6. On November 14, 2012, Movants filed proofs of claim numbers 4754, 4758, 4762, and 4764.

7. Movants supplied proof and support of their claims after request from the Trust on July 11 and July 13, 2013.

8. The Plan in this matter was confirmed on December 11, 2013.

9. There is currently pending in the Ohio Northern District several causes of action against Homecomings (and now the Trust) that have not been reduced to judgment that form the basis of the proofs of claim filed by Ms. McNerney and Ms. Gray. Those causes of action and the viability thereof are more fully stated in the Response in Opposition to Objection to Claim, which is fully incorporated herein.

IV. RELIEF REQUESTED

10. Movants file this Motion, pursuant to 11 U.S.C. § 362(d) and Fed.R.Bankr.P. 4001 and 9014, and seek an entry of an order, substantially in the form attached hereto as Exhibit 1, modifying the stay under 11 U.S.C. § 362(a) and allowing Movants to proceed to judgment in the Ohio Northern District Court.

V. MOTION FOR RELIEF

11. The filing of a petition under Chapter 11 of the Bankruptcy Code invokes the automatic stay under 11 U.S.C § 362(a). The automatic stay provides a debtor with breathing room from the claims of its creditors, and “allows the bankruptcy court to centralize all disputes concerning property of the debtor's estate in the bankruptcy court so that reorganization can proceed efficiently, unimpeded by uncoordinated proceedings in other arenas.” *Shugrue v. Air Line Pilots Ass'n, Int'l (In re Ionosphere Clubs, Inc.)*, 922 F.2d 984, 989 (2d Cir. 1990).

12. A party in interest may obtain relief from stay, pursuant to Section 362(d)(1), by requesting the relief from the Bankruptcy Court, after notice and a hearing, showing cause. 11 U.S.C. § 362(d)(1).

13. In this Circuit, Bankruptcy Courts apply the factors announced in *Sonnax Industries, Inc. v. Tri Component Products Corp. (In re Sonnax Industries, Inc.)*, 907 F.2d 1280, 1286 (2d Cir. 1990) to determine whether relief from the automatic stay should be granted. Those factors are:

(1) whether relief would result in a partial or complete resolution of the issues; (2) lack of any connection with or interference with the bankruptcy case; (3) whether the other proceeding involves the debtor as a fiduciary; (4) whether a specialized tribunal with the necessary expertise has been established to hear the cause of action; (5) whether the debtor's insurer has assumed full responsibility for defending it; (6) whether the action primarily involves third parties; (7) whether litigation in another forum would prejudice the interests of other creditors; (8) whether the judgment claim arising from the other action is subject to equitable subordination; (9) whether movant's success in the other proceeding would result in a judicial lien avoidable by the debtor; (10) the interests of judicial economy and the expeditious and economical resolution of litigation; (11) whether the parties are ready for trial in the other proceeding; and (12) impact of the stay on the parties and the balance of harms.

“Not all of the *Sonnax* factors are relevant in every case, and ‘cause’ is a broad and flexible concept that must be determined on a case-by-case basis.” *In re Residential Capital* (Order on Ulbrich Motion for Relief), LLC 12-1020 (MG) (Bankr. S.D.N.Y. 2012) (citing *Spencer v. Bogdanovich (In re Bogdanovich)*, 292 F.3d 104, 110 (2d Cir. 2002)).

14. Application of the above factors to the facts and procedural posture of this case weigh heavily in favor of granting the motion. First, permitting the Ohio Northern District Court to proceed on the merits of the causes of action will provide complete resolution of the issues such that this Court could then proceed on the merits of the proofs of claim of Ms. McNerney

and Ms. Gray. No other issues would remain pending. The matters have already gone to trial in the state court, where depositions were already conducted and the evidence submitted for decision by the state court tribunal. *See* Declaration of Susan M. Gray (Gray Dec.), Para. 7, Exhibit A. The matters are now pending before the Ohio Northern District on motions for judgment on the pleadings and summary judgment. *See* Gray Dec. with Ohio Northern District Court docket attached thereto Exhibit B. The first *Sonnax* factor weighs in favor of lifting the automatic stay at least to allow the Ohio Northern District Court to rule on the pending motions (and any supplemental briefing that Court may allow).

15. Second, because Ms. McNerney and Ms. Gray seek a determination on the merits of the causes of action, the continuation of the lawsuit is unlikely to have an immediate adverse economic consequence to the Trust. Rather, Ms. McNerney and Ms. Gray seek limited relief to allow the Court to proceed on the merits only and there will be no collection efforts whatsoever in that case. Those efforts will be handled through the claims process in this Court pursuant to the confirmed Plan. Likewise, there will be no interference with the bankruptcy case, as the Plan has already been confirmed. Moreover, determination of the underlying causes of action that support the proofs of claim will actually aid the Bankruptcy Court to make a final determination on the claims and the objection thereto. Lastly, as the case was filed in 2012, Debtors have had their breathing room and the Trust has now taking responsibility to answer for and settle the prepetition claims. Thus, the second *Sonnax* factor supports granting the limited relief from stay.

16. As to the third factor, the underlying causes of action assert Homecomings breached its fiduciary duty through an agency theory and by virtue of acting as a broker in the matter. Under Ohio law, a mortgage broker is a fiduciary. *Myer v. Preferred Credit, Inc., et al.*, 766 N.E.2d 612, 618, 117 Ohio Misc.2d 8, 8, 2001-Ohio-4190, ¶ 22. Moreover, under an agency

theory, a principal can be held liable for its agent's actions and inactions. *See Chalfie and Teller v. Monumental Life Ins. Co.*, 293 N.E.2d 329, 332, 33 Ohio Misc. 173, 177 (Ohio Com.Pl. 1973) (finding broker an agent of the lender). As is more fully discussed in the Response in Opposition to the Objection to Claim (fully incorporated herein), those claims have validity. The third *Sonnax* factor also supports granting the limited relief from stay.

17. The fourth *Sonnax* factor does not apply to this matter. However, it should be noted, the Ohio Northern District Court is more familiar with Ohio state causes of action, especially those arising from foreclosure actions.

18. Under the fifth factor, Ms. McNerney is not aware that any insurer has assumed responsibility for the causes of action herein. If none in fact has, then the Trust would therefore need to pay all expenses in litigating the action with out-of-pocket funds from the bankruptcy estate. However, Homecomings already hired counsel for the action in the Ohio Northern District and the matters have been briefed on motions filed by Homecomings in that district. *See* Declaration of Susan M. Gray, Paragraphs 10 and 11, Exhibits C and D. The matters would require minimal out-of-pocket expenses from the estate. Moreover, resolution of the claims in that Court would save time, effort and expenses in this Court. As a result, the fifth *Sonnax* factor supports the limited relief from the stay.

19. Under the sixth factor, while the Ohio District Court action does not primarily involve third parties, the risks of impacting the property and administration of the debtors' estate are not present in this case. Rather, as noted above, resolution of the claims in the Ohio Northern District would actually reduce the time, effort and expense of litigating those matters in this Court.

20. The seventh *Sonnax* factor centers on whether litigation in another forum would prejudice the interests of other creditors. As this Court noted in the Motion for Relief of Ulbrich, “[r]equiring the Debtors to defend Ulbrich’s damages claims in another forum would upend the ‘strong bankruptcy code policy that favors centralized and efficient administration of all claims in the bankruptcy court’ *Pub. Indus. Inc. v. United States (In re Cuyahoga Equip. Corp.)*, 980 F.2d 110, 117 (2d Cir. 1992).” However, Movants do not seek execution on damage claims by this motion. Rather, they seek a determination of the underlying causes of action so their properly filed proofs of claim can be resolved in this Court.

21. The eighth *Sonnax* factor, equitable subordination, is not applicable to this matter.

22. The ninth *Sonnax* factor is not relevant, as Movants do not seek execution (whether by lien or otherwise) on any judgment in the Ohio Northern District. Rather, they will seek damages and payment through the claims process in this Court.

23. Under the tenth factor, the interest of judicial economy and the expeditious and economical resolution of the litigation favor a ruling to have the underlying causes of action decided in the Ohio Northern District. Ms. McNerney requested a jury trial for any and all actions so triable. If those causes of action were litigated in this Court, Ms. McNerney would have to consent to a jury trial under Local Rule 9015-1. Further, any decision rendered in this Court on the underlying causes of action would be through Findings of Fact and Conclusions of Law to allow the District Court to make a final ruling under *Stern v. Marshall*, 131 S.Ct. 2594 (2011) and *Wellness Int’l Network, Ltd v. Sharif*, 134 S.Ct. 2901 (2014) and 28 U.S.C. § 157(b), thus involving yet a sixth court in the resolution of these issues. As noted above, allowing the Ohio Northern District Court to determine the underlying causes of action, that have been briefed

on motions for judgment on the pleadings and for summary judgment, would actually reduce the time, effort and expense of litigating those matters in this Court.

24. The eleventh *Sonnax* factor concerns whether the parties are ready for trial in the other proceeding. As noted above, and in the Response in Opposition to the Objection to Claim, the matter has gone to trial once in the Cuyahoga County Court of Common Pleas. The parties have taken depositions and have performed most, if not all, the discovery between the parties. The parties would be prepared to go to trial as soon as the Ohio Northern District Court decides the two pending motions, assuming a trial is even necessary, as the Court may then allow Ms. McNerney to file her own motion for summary judgment. The damages claims could then be heard in this Court as part of the claims allowance process. As such, the tenth *Sonnax* factor supports lifting the stay.

25. The twelfth factor discusses the impact of the stay on the parties and the balance of the harms. The stay has prevented Ms. McNerney and Ms. Gray to reduce their claims to a judgment that can be paid through the claims process. Ms. McNerney has a property interest in her causes of action under U.S. Const. amends. V and XIV and *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428 (1982) (finding a cause of action is a species of property). She deserves to have those claims decided in a forum best suited to decide them and through a trial on the merits, if necessary – forum that is more convenient for her and her witnesses. *See* Declaration of Ms. McNerney attached to Response in Opposition to Objection to Claim. If she is not provided those rights, she certainly will be harmed much more than any harm the Trust can advance. Throughout the state court foreclosure case, the debtor in this case was represented by the firm Calfee, Halter & Griswold, LLP which maintains offices on Cleveland, Columbus and Cincinnati. In the subsequent foreclosure case it filed in the Northern District of Ohio, the

Debtor in this case was represented by Carpenter, Lipps, and Leland, LLP, a multistate firm that maintains an office in Cincinnati, Ohio. *See* Gray Dec. Para. 11, Ex. D. Ms. McNerney, on the other hand has two attorneys, one working in a small single-attorney offices Rocky River, and the other in a small single-attorney office in Stow, Ohio. In addition, all of her witnesses are in Cleveland, Ohio and, like her, have very limited means. *See* Gray Dec. Para. 11 and 12, *See Also*, Declaration of Patricia J. McNerney, Para. 47-64 attached as Exhibit 1 to Response in Opposition to Objection to Claim. In fact, the Trust cannot advance any arguments that it would be significantly burdened if the stay were lifted. Rather, as noted above, resolution of the claims in the Ohio Northern District would actually reduce the time, effort and expense of litigating those matters in this Court. Also, resolution in that Court would allow this Court to simply affix the amount of the claims in this matter under 11 U.S.C. § 502(b) (“if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition . . .”). The final *Sonnax* factor weighs heavily in favor of lifting the stay.

VI. NOTICE

26. Movants have provided notice of this Motion in accordance with the Case Management Procedures Order, approved by this Court on May 23, 2012 (Docket No. 141) and the Procedures Order.

VII. CONCLUSION

WHEREFORE, Movants respectfully request entry of the Proposed Order granting the relief requested herein and such other further relief as this Court may deem proper and equitable.

Date: November 22, 2015
Rocky River, Ohio

/s/ Susan M. Gray
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*Counsel for Ms. McNerney
and Susan M. Gray, Pro Se*

EXHIBIT 1

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|---|---|---------------------------------|
| IN RE: |) | CASE NO. 12-12020 |
| |) | |
| RESIDENTIAL CAPITAL, LLC, <i>et al.</i> , |) | JUDGE MARTIN GLENN |
| |) | |
| Debtors. |) | Jointly Administered Chapter 11 |
| _____ |) | |

**ORDER GRANTING THE MOTION OF PATRICIA MCNERNEY AND SUSAN GRAY
FOR LIMITED RELIEF FROM STAY FOR A DETERMINATION
ON CAUSES OF ACTION WITH NO COLLECTION THEREON**

Upon the Motion of Patricia McNerney and Susan Gray (Movants) for Limited Relief From Stay For a Determination on Causes of Action With No Collection Thereon, for an entry of an order, pursuant to 11 U.S.C. § 362(d) (Bankruptcy Code) and Fed.R.Bankr.P. 4001(a)(1) and 9014, to lift the automatic stay to allow Movants to proceed in the District Court for the Northern District of Ohio on the motions pending in that matter and to proceed to final judgment. Movants do not seek to execute on the judgment, but will rather seek resolution in the claims process in this matter.

The Court has jurisdiction to consider the motion under 28 U.S.C. §§ 157 and 1334 and the motion is a core proceeding under 28 U.S.C. § 157(b). Venue is properly before this Court under 28 U.S.C. §§ 1408 and 1409.

It appearing due and proper notice has been given to all interested parties, and no further notice is needed, and based upon the Motion, and attachments thereto, the relief sought is in the best interest of the parties, and it is hereby

ORDERED, the Motion shall be and hereby is GRANTED, the stay in effect in this matter is lifted to allow Ms. McNerney and Ms. Gray to proceed to judgment in the District Court for the Northern District of Ohio, provided no execution will be made on the judgment.

IT IS FURTHER ORDERED, once judgment is final in the District Court for the Northern District of Ohio, the matter shall proceed in this Court under the claims process.

Dated: _____, 2015
New York, New York

THE HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 2

Declaration of Susan M. Gray

Susan Marie Gray
Attorney at Law
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Telephone: (440) 331-3949
Facsimile: (440) 331-8160
smgray@smgraylaw.com

Counsel for Patricia J. McNerney
Also on Behalf of Susan M. Gray, *Pro Se*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

Residential Capital, LLC, et al.,
Debtor

Case No. 12-12020 (MG)

Judge Martin Glenn

Declaration of
Susan M. Gray

I, Susan Marie Gray, hereby declare as follows:

1. I make the following statements under penalty of perjury
2. I am over 18 years of age
3. I make the following statements from my personal knowledge
4. I am counsel for the borrower on a loan entered into in January 3, 2003 where
the original lender was identified as Homecomings Financial Network, Inc.

5. I represented Ms. McNerney in the foreclosure case filed in the Cuyahoga County Ohio Court of Common Pleas from initial answer through trial which concluded with *sua sponte* dismissal without prejudice by the court and through related appeals on that dismissal.
6. The lawfirm that represented the successive plaintiffs, from Mortgage Electronic Registration Systems, Inc, Homecomings, and GMAC was Calfee Halter and Griswold, LLC.
7. The docket in the Cuyahoga County Court of Common Pleas is attached as Exhibit A hereto and incorporated herein by this reference.
8. While appeals were still pending and not yet decided, Homecomings filed a new foreclosure action in the United States District Court for the Northern District of Ohio.
9. The Docket for the foreclosure case filed in the Northern District of Ohio is attached hereto as Exhibit B.
10. Calfee Halter and Griswold, LLP continues to maintain offices in three Ohio cities, including Cleveland, Ohio. *See* Exhibit C, Calfee Halter and Griswold, LLP Website as of 11/22/15, incorporated herein by this reference
11. In the case filed in the Federal District Court in the Northern District of Ohio, Homecomings was represented by Carpenter Lipps and Leland LLP, a multistate firm that maintains offices in a number of cities, including Columbus Ohio. *See* Exhibit D, Carpenter, Lipps, and Leland LLP Website as of 11/22/15, incorporated herein by this reference.

12. I am Ms. McNerney's only attorney, with assistance in litigation in the Federal District Court Case from Thomas C. Loepp, Esq..

13. I am a sole practitioner; a one-attorney firm, with one office in a Rocky River, Ohio, a Western suburb of Cleveland, Ohio.

14. Thomas C. Loepp, Esq. is also a sole practitioner, with an office in Stow, Ohio.

Pursuant to 28 U.S.C. Sec. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 22, 2015

/s/ Patricia J. McNerney
Patricia J. McNerney

Exhibit A to Declaration of Susan M. Gray:
Docket in Court of Common Pleas Cuyahoga County, Ohio

CASE INFORMATION

CV-03-514406 MORTGAGE ELECT. REG. SYS. INC. vs. PATRICIA JOANNE MCNERNEY AKA KELLICKER ETAL

[Printer Friendly Version](#)

Docket Information

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| Filing Date | Side | Type | Description | Image |
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| 06/07/2010 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. NOTICE OF SUBSTITUTION OF COUNSEL.....(W)..... JEFFREY A LIPPS 0005541 | |
| 05/10/2010 | P | JE | UPON CONSIDERATION OF THE JURISDICTIONAL MEMORANDA FILED IN THIS CASE, THE COURT DECLINES JURISDICTION TO HEAR THE CASE. NOTICE ISSUED. | |
| 12/23/2009 | P | JE | ***CA*** MOTION BY APPELLANTS FOR RECONSIDERATION IS DENIED. NOTICE ISSUED. | |
| 12/17/2009 | N/A | JE | *****C/A*****SUA SPONTE, THE APPEAL IS DISMISSED PER R.C. 2505.02... NOTICE ISSUED | |
| 10/27/2009 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. RESPONSE TO DEFENDANTS "SUPPLEMENT" TO HER MOTION TO CORRECT NUNC PRO TUNC JUDGMENT ENTRY OF SEPTEMBER 14, 2009. LAURA C MCBRIDE 0080059 | |
| 10/22/2009 | D1 | CA | APPELLANT'S 9A RECORD TRANSMITTED TO THE COURT OF APPEALS CONSISTING OF THE TRANSCRIPT OF THE DOCKET, JOURNAL ENTRIES AND THE ORIGINAL PAPERS ON CA NO. 94066. | |
| 10/19/2009 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. SUPPLEMENT TO MOTION FOR PARTIAL RELIEF FROM JUDGMENT ENTERED SEPTEMBER 14, 2009 DISMISSING CASE-MOTION PURSUANT TO RULE 60 B. LAURA C MCBRIDE 0080059 | |
| 10/13/2009 | D1 | CA | ----- NOTICE OF APPEAL ----- CA NO. 94066 NOTICE OF APPEAL FILED BY THE DEFT. APPELLANT W/A 9A PRAECIPE AND DOCKETING STATEMENT ON THE REGULAR CALENDAR. COPIES MAILED. | |
| 10/06/2009 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. BRIEF IN OPPOSITION TO DEFTS MOTION TO CORRECT NUNC PRO TUNC JUDGMENT ENTRY OF SEPTEMBER 14, 2009. LAURA C MCBRIDE 0080059 | |
| 09/24/2009 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION TO CORRECT NUNC PRO TUNC JUDGMENT ENTRY OF SEPTEMBER 14, 2009 DISMISSING CASE - MOTION PURSUANT TO RULE 60 B.... SUSAN M GRAY 0062356 10/13/2009 - UNKNOWN | |
| 09/14/2009 | N/A | JE | DESPITE BEING GRANTED AN EXTENSION OF TIME TO PROVIDE THE COURT WITH EVIDENCE THAT IT HELD THE SUBJECT NOTE AT THE TIME THE INSTANT CASE WAS FILED, PLAINTIFF HAS BEEN UNABLE TO COMPLY. CONSEQUENTLY, PURSUANT TO THE COURT ORDER DATED 06/30/2009, WELLS FARGO BANK V. JORDAN, 2009 OHIO 1092 (8TH DIST. CT. APP., MAR. 12, 2009) AND CIVIL RULE 41(B)(1), THE INSTANT CASE IS HEREBY DISMISSED, WITHOUT PREJUDICE, FINAL. COURT COST ASSESSED TO THE PLAINTIFF(S). CLPAL 09/14/2009 NOTICE ISSUED |  |
| 09/14/2009 | N/A | MO | GMAC MORTGAGE LLC.....MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE...LAURA C. MCBRIDE (0080059).. 09/14/2009 - MOOT | |
| 09/02/2009 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY NOTICE OF CHANGE OF ADDRESS OF DEFT'S COUNSEL.....(W)..... SUSAN M GRAY 0062356 | |
| 08/12/2009 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR A STATUS CONFERENCE..... LAURA C MCBRIDE 0080059 09/14/2009 - DENIED | |
| 08/07/2009 | N/A | MG | PLAINTIFF'S MOTION FOR EXTENSION OF TIME IN WHICH TO PROVIDE BRIEF IN SUPPORT OF STANDING, FILED 07/20/2009, IS GRANTED. PLAINTIFF'S BRIEF IN SUPPORT OF STANDING SHALL BE DUE ON OR BEFORE 08/11/2009. CLPAL 08/07/2009 NOTICE ISSUED |  |
| 07/20/2009 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR EXTENSION OF TIME IN WHICH TO PROVIDE BRIEF IN SUPPORT OF STANDING LAURA C MCBRIDE 0080059 08/07/2009 - GRANTED | |
| 06/30/2009 | N/A | MG | ATTORNEY CONFERENCE CALLED. COUNSEL FOR PLAINTIFF AND COUNSEL FOR MS. MCNERNEY APPEARED. PURSUANT TO THE 8TH DISTRICT COURT OF APPEALS OPINION IN WELLS FARGO BANK V. JORDAN, 2009 OHIO 1092 (8TH DIST. CT. APP., MAR. 12, 2009), PLAINTIFF HAS 21 DAYS TO PROVIDE THE COURT WITH A BRIEF DEMONSTRATING THAT IT OWNED THE SUBJECT PROMISSORY NOTE AS OF THE DATE OF THE FILING OF ITS COMPLAINT IN THIS CASE. COUNSEL FOR DEFENDANT MAY FILE A REPLY BRIEF WITHIN 21 DAYS OF THE FILING OF PLAINTIFF'S BRIEF. FAILURE OF PLAINTIFF TO DEMONSTRATE STANDING WILL RESULT IN DISMISSAL OF THE CASE WITHOUT PREJUDICE. CLTMP 06/29/2009 NOTICE ISSUED |  |
| 06/05/2009 | N/A | MG | ATTORNEY CONFERENCE SET FOR 06/29/2009 AT 10:30 AM. FAILURE TO APPEAR MAY RESULT IN DEFAULT OR DISMISSAL. CLPAL 06/02/2009 NOTICE ISSUED |  |
| 05/04/2009 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR STATUS CONFERENCE LAURA C MCBRIDE 0080059 06/05/2009 - GRANTED | |
| 01/22/2009 | N/A | OT | PLAINTIFF'S PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW.....(W)..... | |
| 01/22/2009 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. NOTICE OF FILING TRIAL TRANSCRIPT, EXHIBITS AND INVOICES.....(W)..... LAURA C MCBRIDE 0080059 | |
| 01/22/2009 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. NOTICE OF FILING INVOICE.....W.... LAURA C MCBRIDE 0080059 | |
| 12/22/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY NOTICE OF FILING DISCOVERY RESPONSES AND EXHIBITS TO DEPOSITIONS.....W.... SUSAN M GRAY 0062356 | |
| 12/22/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.....W.... SUSAN M GRAY 0062356 | |

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|------------|-----|----|--|---|
| 11/13/2008 | N/A | MG | CASE CALLED FOR BENCH TRIAL. COUNSEL FOR PLAINTIFF, MS. JACKSON (REPRESENTATIVE FOR PLAINTIFF), COUNSEL FOR MS. MCNERNEY, MS. MCNERNEY, AND MS. MCNERNEY'S OLDEST SON AND DAUGHTER APPEARED, AS DID COURT REPORTER CHRISTINA RAYMOND (WHOSE FEES ARE TO BE SUBMITTED TO PLAINTIFF'S COUNSEL AND SHARED EQUALLY BY PLAINTIFF AND DEFENDANT). TESTIMONY TAKEN. PLAINTIFF'S AND DEFENDANT'S MOTIONS FOR DIRECTED VERDICT DENIED. AFTER RECEIPT OF THE TRANSCRIPT AND THE EXHIBITS FROM THE COURT REPORTER, THE COURT WILL REDACT PERSONAL INFORMATION REGARDING MS. MCNERNEY AND HER FAMILY. COUNSEL MAY SUBMIT WRITTEN CLOSING ARGUMENTS AND/OR PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON OR BEFORE 12/22/2008. FAILURE TO TIMELY COMPLY WILL RESULT IN WAIVER OF THE OPPORTUNITY TO SUBMIT SAME. CLTMP 11/13/2008 NOTICE ISSUED |  |
| 11/07/2008 | N/A | MG | DEFENDANT MCNERNEY'S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS, FILED 10/16/2008, IS DENIED. THE CASE WAS FILED 11/12/2003, AND DEFENDANT MCNERNEY HAS HAD MORE THAN AMPLE TIME TO REQUEST AND RECEIVE ANY NECESSARY DISCOVERY. FURTHER, THE BENCH TRIAL IN THIS CASE HAS BEEN POSTPONED REPEATEDLY AND WILL GO FORWARD, AS SCHEDULED, ON 11/10/2008. CLTMP 11/07/2008 NOTICE ISSUED |  |
| 11/07/2008 | N/A | MG | AS THE INSTANT CASE HAS BEEN PENDING SINCE 11/12/2003 AND THE INSTANT MOTION WAS FILED JUST 10 DAYS PRIOR TO THE BENCH TRIAL SET FOR 11/10/2008 (THUS PREVENTING ALL OTHER PARTIES FROM OPPOSING THE EXPERT REPORT), DEFENDANT MCNERNEY'S MOTION FOR LEAVE TO FILE EXPERT REPORT, FILED 10/29/2008, IS DENIED. CLTMP 11/07/2008 NOTICE ISSUED |  |
| 11/07/2008 | D1 | SR | SUBPOENA FOR: NANCY GEORGE, SERVED NOV. 5, 2008 AS FOLLOWS: GAVE TO MRS. GEORGE'S HUSBAND AT THEIR RESIDENCE . | |
| 11/06/2008 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. BRIEF IN OPP. TO MOTION FOR LEAVE TO FILE EXPERT REPORT.....(W)..... ZOE K. CARLISLE 0078224 | |
| 11/05/2008 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. AMENDED TRIAL BRIEF INCLUDING WITNESS & EXHIBIT LIST. ZOE K. CARLISLE 0078224 | |
| 11/04/2008 | N/A | MG | BENCH TRIAL SET FOR 11/10/2008 AT 09:00 AM. CLMMH 11/04/2008 NOTICE ISSUED |  |
| 11/04/2008 | N/A | MG | PURSUANT TO OHIO RULES OF CIVIL PROCEDURE 17(A), PLAINTIFF'S MOTION TO SUBSTITUTE PARTY PLAINTIFF, FILED 10/16/2008, IS GRANTED. THE CLERK OF COURTS IS HEREBY ORDERED TO SUBSTITUTE HOMECOMINGS FINANCIAL, LLC IN PLACE OF THE NAMED PLAINTIFF. THE CLERK TO NOTE ATTORNEY LAURA C. MCBRIDE (0080059) AS COUNSEL OF RECORD FOR THE SUBSTITUTE PLAINTIFF. DEFENDANT MCNERNEY'S MOTION TO DISMISS COMPLAINT FOR FAILURE TO BE THE REAL PARTY IN INTEREST AT THE COMMENCEMENT OF THIS ACTION OR ABSENCE OF SUBJECT MATTER JURISDICTION, FILED 10/20/2008, IS DENIED. CLMMH 11/04/2008 NOTICE ISSUED |  |
| 11/04/2008 | N/A | MG | PLAINTIFF'S MOTION FOR LEAVE TO FILE REPLY BRIEF IN SUPPORT OF PLAINTIFFS MOTION TO SUBSTITUTE PARTY PLAINTIFF, FILED 10/29/2008, IS GRANTED. CLMMH 11/04/2008 NOTICE ISSUED |  |
| 10/30/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY NOTICE OF WITHDRAWAL OF COUNSEL. JUSTIN F MADDEN 0062529 | |
| 10/29/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR LEAVE TO FILE EXPERT REPORT.....W..... SUSAN M GRAY 0062356 11/07/2008 - DENIED | |
| 10/29/2008 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR LEAVE TO FILE REPLY BRIEF IN SUPPORT OF PLAINTIFFS MOTION TO SUBSTITUTE PARTY PLAINTIFF.....W..... ZOE K. CARLISLE 0078224 11/04/2008 - GRANTED | |
| 10/29/2008 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. BRIEF IN OPPOSITION TO DEFTS MOTION TO DISMISS.....W..... ZOE K. CARLISLE 0078224 | |
| 10/23/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY RESPONSE IN OPPOSITION TO MOTION TO SUBSTITUTE HOMECOMINGS FINANCIAL LLC AS PLAINTIFF.....W..... SUSAN M GRAY 0062356 | |
| 10/22/2008 | N/A | MG | CASE CALLED FOR BENCH TRIAL. COURT REPORTER RAYMOND, COUNSEL AND CO-COUNSEL FOR PLAINTIFF, REPRESENTATIVE OF PLAINTIFF, COUNSEL FOR MS. MCNERNEY AND MS. MCNERNEY APPEARED. AS A RESULT OF RECENTLY FILED MOTIONS, DEFENDANT MCNERNEY'S MOTION TO CONTINUE THE TRIAL DATE, FILED 10/21/2008, IS GRANTED. NEW BENCH TRIAL DATE (11/10/2008 AT 9AM) TO BE SET BY SEPARATE ORDER. COUNSEL FOR DEFENDANT MCNERNEY HAS UNTIL 10/23/2008 AT 4:30PM TO FILE OPPOSITION TO PLAINTIFF'S MOTION TO SUBSTITUTE PLAINTIFF. COUNSEL FOR DEFENDANT MCNERNEY TO PROVIDE A COURTESY COPY TO COUNSEL FOR PLAINTIFF VIA FACSIMILE OR E-MAIL ON OR BEFORE 10/23/2008. SHOULD COUNSEL FOR DEFENDANT SEEK TO SUBMIT AN EXPERT REPORT REGARDING THE "RATE SHEETS" RECENTLY PROVIDED THROUGH DISCOVERY, SAID REPORT SHALL BE SUBMITTED INSTANTER WITH A MOTION FOR LEAVE TO FILE SAME ON OR BEFORE 10/29/2008. COUNSEL FOR DEFENDANT MCNERNEY TO PROVIDE A COURTESY COPY TO COUNSEL FOR PLAINTIFF VIA FACSIMILE OR E-MAIL ON OR BEFORE 10/29/2008. THE COURT WILL SCHEDULE A SEPARATE HEARING ON THE ISSUE OF ATTORNEY FEES, IF NECESSARY, AFTER A MAGISTRATE'S DECISION IS FILED AND ISSUED REGARDING THE MATTERS TRIED TO THE BENCH. CLTMP 10/22/2008 NOTICE ISSUED |  |
| 10/21/2008 | D1 | BR | D1 PATRICIA JOANNE MCNERNEY 2ND AMENDED TRIAL BRIEF, WITNESS LIST AND EXHIBIT LIST.....(W)..... SUSAN M GRAY 0062356 | |
| 10/21/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION TO CONTINUE THE TRIAL DATE.....(W)..... SUSAN M GRAY 0062356 10/22/2008 - GRANTED | |
| 10/21/2008 | P1 | SR | SUBPOENA FOR: PATRICIA J. MCNERNEY, SERVED 10-21-08 PERSONAL . | |
| 10/21/2008 | D1 | SR | SUBPOENA FOR: NANCY GEORGE, SERVED OCT. 17, 2008 AS FOLLOWS: GAVE TO MS. GEORGE'S HUSBAND RAY AT THEIR RESIDENCE . | |
| 10/21/2008 | D1 | SR | SUBPOENA FOR: OMC LENDING, UNABLE TO BE SERVED OCT. 17, 2008 AS FOLLOWS: BUILDING APPEARED TO BE VACANT . | |
| 10/20/2008 | D3 | OT | D3 CHIEF FINANCIAL OFFICER HOMECOMINGS MEMORANDUM IN OPPOSITION TO PLAINTIFFS MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS.....W..... LAURA C MCBRIDE 0080059 | |
| 10/20/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION TO DISMISS COMPLAINT FOR FAILURE TO BE THE REAL PARTY IN INTEREST AT THE COMMENCEMENT OF THIS ACTION OR ABSENCE OF SUBJECT MATTER JURISDICTION.....W..... SUSAN M GRAY 0062356 11/04/2008 - DENIED | |
| 10/17/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY SUPPLEMENT TO MOTION TO COMPEL DISCOVERY.....W..... SUSAN M GRAY 0062356 | |
| 10/16/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS....W... SUSAN M GRAY 0062356 11/07/2008 - DENIED | |
| 10/16/2008 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION TO SUBSTITUTE PARTY PLAINTIFF.....(W)..... LAURA C MCBRIDE 0080059 11/04/2008 - GRANTED | |
| 10/14/2008 | D1 | BR | D1 PATRICIA JOANNE MCNERNEY AMENDED TRIAL BRIEF, WITNESS LIST AND EXHIBIT LIST. SUSAN M GRAY 0062356 | |

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| 10/14/2008 | D4 | BR | D4 CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP. TRIAL BRIEF, INCLUDING WITNESS & EXHIBIT LISTS FILED.. LAURA C MCBRIDE 0080059 | |
| 08/19/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY NOTICE OF APPEARANCE AS COUNSEL FOR DEFTS. JUSTIN F MADDEN 0062529 | |
| 07/22/2008 | D | AN | DEFENDANT(S) CHIEF FINANCIAL OFFICER HOMECOMINGS(D3) and CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP.(D4) COMBINED ANSWER. LAURA C MCBRIDE 0080059 | |
| 07/09/2008 | N/A | MG | BENCH TRIAL SET FOR 10/22/2008 AT 09:00 AM. TRIAL BRIEFS, WITNESS LISTS AND STIPULATIONS, IF ANY, MUST BE FILED ON OR BEFORE 10/13/08. THE PROCEEDINGS WILL BE RECORDED ON AUDIO TAPE. IF THE PARTIES WISH THE PROCEEDINGS TO BE RECORDED BY A COURT REPORTER, THE PARTIES MAY PROVIDE A COURT REPORTER AT THEIR OWN EXPENSE. ALL CLIENTS MUST BE PRESENT. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF AFFIRMATIVE CLAIMS FOR RELIEF CLTMP 07/08/2008 NOTICE ISSUED |  |
| 07/08/2008 | D1 | SH | CUYAHOGA COUNTY SHERIFF DEPT JUNE 23, 2008 DID NOT SERVED SUBPOENA ON: OHIO MORTGAGE INC AS FOLLOWS: COMPANY CLOSED SERVICE FEE \$16.50 | |
| 07/08/2008 | D1 | SH | CUYAHOGA COUNTY SHERIFF DEPT JUNE 24, 2008 DID NOT SERVE SUBPOENA ON: OHIO MORTGAGE CO INC AS FOLLOWS: COMPANY CLOSED SERVICE FEE \$16.50 | |
| 07/08/2008 | D5 | SH | CUYAHOGA COUNTY SHERIFF DEPT SERVICE FEE \$16.50 | |
| 07/08/2008 | D5 | SR | 07/08/2008 12228705 THE WITHIN NAMED OMC LENDING,INC. 07/02/2008 SHERIFF DEPUTY SERV. BUSINESS CLOSED/BLDG FOR SALE | |
| 07/08/2008 | D7 | SH | CUYAHOGA COUNTY SHERIFF DEPT SERVICE FEE \$16.50 | |
| 07/08/2008 | D7 | SR | 07/08/2008 12228703 THE WITHIN NAMED GEORGE/NANCY/ 07/02/2008 SHERIFF DEPUTY SERV. BUSINESS CLOSED/BLDG FOR SALE | |
| 07/08/2008 | D6 | SH | CUYAHOGA COUNTY SHERIFF DEPT SERVICE FEE \$16.50 | |
| 07/08/2008 | D6 | SR | 07/08/2008 12228706 THE WITHIN NAMED NANCY GEORGE DBA OMC LENDING,INC. 07/02/2008 SHERIFF DEPUTY SERV. BUSINESS CLOSED/BLDG FOR SALE | |
| 07/08/2008 | D7 | SH | CUYAHOGA COUNTY SHERIFF DEPT SERVICE FEE \$17.50 | |
| 07/08/2008 | D7 | SR | 07/08/2008 12228702 THE WITHIN NAMED GEORGE/NANCY/ 07/02/2008 SHERIFF DEPUTY SERV. NOT HERE IN MY COUNTY. | |
| 07/08/2008 | D7 | SH | CUYAHOGA COUNTY SHERIFF DEPT SERVICE FEE \$17.50 | |
| 07/08/2008 | D7 | SR | 07/08/2008 12228704 THE WITHIN NAMED GEORGE/NANCY/ 07/02/2008 SHERIFF DEPUTY SERV. NOT HERE IN MY COUNTY. | |
| 07/08/2008 | N/A | MG | CASE CALLED FOR BENCH TRIAL. COUNSEL AND REPRESENTATIVE OF SUBSTITUTE PLAINTIFF, COUNSEL AND MS. MCNERNEY, AND (PRIVATE) COURT REPORTER NANCY GEIGER APPEARED. PLAINTIFF'S ORAL REQUEST TO SEVER THE THIRD PARTY CLAIMS AND PROCEED WITH TRIAL IS DENIED. THIRD PARTY DEFENDANTS HOMECOMINGS AND GMAC MORTGAGE CORPORATION HAVE 14 DAYS TO FILE ANSWER OR OTHERWISE RESPOND TO THIRD PARTY COMPLAINT. PARTIES HAVE 60 DAYS TO CONDUCT FACT DISCOVERY. THIRD PARTY PLAINTIFF HAS 30 DAYS TO PERFECT SERVICE ON DEFENDANTS NANCY GEORGE, OMC LENDING, AND NANCY GEORGE DBA OMC LENDING. FAILURE TO TIMELY COMPLY WILL RESULT IN DISMISSAL OF CLAIMS AGAINST THESE DEFENDANTS. BENCH TRIAL TO BE RESCHEDULED BY SEPARATE ORDER. CLTMP 07/08/2008 NOTICE ISSUED |  |
| 07/01/2008 | D6 | SR | SUMS 3RD PTY COMPLNT(12228706) SENT BY CUYAHOGA SHERIFF SERVICE. TO: NANCY GEORGE DBA OMC LENDING,INC. 4311 RIDGE ROAD BROOKLYN, OH 44144-0000 |  |
| 07/01/2008 | D5 | SR | SUMS 3RD PTY COMPLNT(12228705) SENT BY CUYAHOGA SHERIFF SERVICE. TO: OMC LENDING,INC. 4311 RIDGE ROAD BROOKLYN, OH 44144-0000 |  |
| 07/01/2008 | D7 | SR | SUMS 3RD PTY COMPLNT(12228704) SENT BY CUYAHOGA SHERIFF SERVICE. TO: NANCY GEORGE 19905 PARKLANE DRIVE ROCKY RIVER, OH 44116-0000 |  |
| 07/01/2008 | D7 | SR | SUMS 3RD PTY COMPLNT(12228703) SENT BY CUYAHOGA SHERIFF SERVICE. TO: NANCY GEORGE C/O OMC LENDING INC 4311 RIDGE ROAD BROOKLYN, OH 44144-0000 |  |
| 07/01/2008 | D7 | SR | SUMS 3RD PTY COMPLNT(12228702) SENT BY CUYAHOGA SHERIFF SERVICE. TO: NANCY GEORGE 19850 PARKLANE DRIVE ROCKY RIVER, OH 44116-0000 |  |
| 07/01/2008 | D6 | CS | WRIT FEE | |
| 07/01/2008 | D6 | SR | INSTRUCTION FOR SERVICE ON AMENDED ANSWER AND COUNTERCLAIMS ALSO ADDING THIRD PARTY CLAIMS SENT BY SHERIFF SERVICE TO NANCY GEORGE DBA OMC LENDING INC, OMC LENDING INC, AND NANCY GEORGE C/O OMC LENDING INC FILED. | |
| 07/01/2008 | D5 | CS | WRIT FEE | |
| 07/01/2008 | D7 | CS | WRIT FEE | |
| 07/01/2008 | D7 | CS | WRIT FEE | |
| 07/01/2008 | D7 | CS | WRIT FEE | |
| 07/01/2008 | N/A | JE | FINAL PRETRIAL HELD. ALL COUNSEL AND MS. MCNERNEY PRESENT. PARTIES UNDERTAKE SETTLEMENT NEGOTIATION. PLAINTIFF'S ORAL REQUEST FOR CLARIFICATION OF THE ISSUES TO BE TRIED IS GRANTED. ON 05/15/2008, THE COURT DENIED DEFENDANT'S REQUEST FOR LEAVE TO FILE HER ANSWER AND COUNTERCLAIM TO COMPORT WITH THE SUBSTITUTE PLAINTIFF. CONSEQUENTLY, PENDING BEFORE THE COURT ARE PLAINTIFF'S COMPLAINT, DEFENDANT'S AMENDED ANSWER (FILED 11/06/2006) AND ORIGINAL COUNTERCLAIMS (FILED 06/16/2004), AND DEFENDANT'S THIRD PARTY CLAIMS (ALSO FILED 11/06/2006). AS GENUINE ISSUES OF MATERIAL FACT EXIST, PLAINTIFF'S AND DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT ARE DENIED. BENCH TRIAL SET FOR 07/01/2008 TO PROCEED AS SCHEDULED. CLTMP 06/25/2008 NOTICE ISSUED |  |
| 06/24/2008 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. TRIAL BRIEF, WITNESS LIST AND EXHIBIT LIST.....(W)..... SUSAN M GRAY 0062356 | |
| 06/23/2008 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT.....(W)..... LAURA C MCBRIDE 0080059 | |
| 06/23/2008 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR COURT REPORTER AT TRIAL.....(W)..... LAURA C MCBRIDE 0080059 07/01/2008 - MOOT | |
| 06/23/2008 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. TRIAL BRIEF INCLUDING WITNESS AND EXHIBIT LISTS.....(W)..... LAURA C MCBRIDE 0080059 | |
| 06/23/2008 | D1 | SR | SUBPOENA FOR: OHIO MORTGAGE CO. INC. (OMC LENDING CO.) . | |

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| 06/23/2008 | D1 | SR | SUBPOENA FOR: OHIO MORTGAGE CO. INC. (OMC LENDING CO.) ATTN: NANCY J. GEORGE - PRESIDENT . | |
| 06/20/2008 | P1 | SR | SUBPOENA FOR: PATRICIA J. MCNERNEY, SERVED JUNE 27, 2008 PERSONALLY . | |
| 06/18/2008 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. BRIEF IN OPPOSITION TO DEFTS MOTION FOR DEFAULT JUDGMENT.....W..... LAURA C MCBRIDE 0080059 | |
| 06/17/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY PRETRIAL STATEMENT.....W..... SUSAN M GRAY 0062356 | |
| 06/17/2008 | N/A | MG | BENCH TRIAL PREVIOUSLY SCHEDULED FOR 06/24/2008 AT 09:00 AM IS RESCHEDULED FOR 07/01/2008 AT 09:00 AM. . . CLTMP 06/17/2008 NOTICE ISSUED |  |
| 06/17/2008 | N/A | SC | BENCH TRIAL SCHEDULED FOR 06/24/2008 AT 09:00 AM IS CANCELLED. MAGISTRATE: JIM L JACKSON (0078764) REASON: UNKNOWN (notice sent). | |
| 06/10/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY RESPONSE IN OPPOSITION AND OBJECTION TO PLAINTIFFS MOTION FOR SUMMARY JUDGMENT.....W..... SUSAN M GRAY 0062356 | |
| 06/02/2008 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. BRIEF IN OPPOSITON TO DEFT'S TWO MOTIONS FOR DEFAULT JUDGMENT....W... LAURA C MCBRIDE 0080059 | |
| 06/02/2008 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. BREIF IN OPPOSITION TO DEFT'S MOTION TO STRIKE EXHIBITS A,C,D,E,F& G FROM PLTF'S MOTION FOR SUMMARY JUDGMENT.....W... LAURA C MCBRIDE 0080059 | |
| 06/02/2008 | N/A | MG | DEFENDANT MCNERNEY'S MOTION TO STRIKE EXHIBITS A, C, D, E, F & G FROM PLAINTIFFS MOTION FOR SUMMARY JUDGMENT, FILED 05/22/2008, IS DENIED. CLTMP 06/02/2008 NOTICE ISSUED |  |
| 06/02/2008 | N/A | MG | BECAUSE THE MOTION WAS FILED AFTER THE DISPOSITIVE MOTION DEADLINE, DEFENDANT MCNERNEY'S MOTION FOR DEFAULT JUDGMENT AGAINST GMAC MORTGAGE LLC, FILED 05/22/2008, IS STRICKEN. DEFENDANT MCNERNEY'S MOTION FOR DEFAULT JUDGMENT AGAINST GMAC MORTGAGE AND HOMECOMINGS FINANCIAL, FILED 05/22/2008, IS ALSO STRICKEN. CLTMP 06/02/2008 NOTICE ISSUED |  |
| 05/22/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTIO NFOR DEFAULT JUDGMENT AGAINST GMAC MORTGAGE AND HOMCOMINGS FINANCIAL.....W..... SUSAN M GRAY 0062356 06/02/2008 - STRICKEN | |
| 05/22/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR DEFAULT JUDGMENT AGAINST GMAC MORTGAGE LLC.....W..... SUSAN M GRAY 0062356 06/02/2008 - STRICKEN | |
| 05/22/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION TO STRIKE EXHIBITS A, C, D, E, F & G FROM PLAINTIFFS MOTION FOR SUMMARY JUDGMENT.....W..... SUSAN M GRAY 0062356 06/02/2008 - DENIED | |
| 05/16/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY PARTIAL MOTION FOR SUMMARY JUDGMENT.....W.. SUSAN M GRAY 0062356 07/01/2008 - DENIED | |
| 05/16/2008 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR SUMMARY JUDGMENT.....W..... LAURA C MCBRIDE 0080059 07/01/2008 - DENIED | |
| 05/16/2008 | N/A | OT | DEPOSITION TRANSCRIPT OF NANCY GEORGE TAKEN ON 8/21/06 | |
| 05/16/2008 | N/A | OT | DEPOSITION TRANSCRIPT OF THOMAS J. MOAN TAKEN ON 9/13/06 | |
| 05/15/2008 | N/A | JE | SUBSTITUTE PLAINTIFF GMAC MORTGAGE CORP.'S MOTION FOR CONTINUANCE OF DATES FOR DISPOSITIVE MOTIONS AND TRIAL, FILED 05/06/2008, IS DENIED. ALL DATES REMAIN AS SET. CLTMP 05/14/2008 NOTICE ISSUED |  |
| 05/15/2008 | N/A | JE | AS THE INSTANT CASE WAS FILED 11/12/2003 AND AS COUNSEL HAS FAILED TO MEET THE COURT IMPOSED DEADLINE OF 02/15/2008 TO FILE AN AMENDED ANSWER AND COUNTERCLAIM, DEFEDANT MCNERNEY'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL PLEADING OUT OF TIME, FILED 03/28/2008, IS DENIED. CLTMP 05/14/2008 NOTICE ISSUED |  |
| 05/06/2008 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR CONTINUANCE OF DATES FOR DISPOSITIVE MOTIONS AND TRIAL.....(W)..... LAURA C MCBRIDE 0080059 05/15/2008 - DENIED | |
| 03/28/2008 | D1 | AN | D1 PATRICIA JOANNE MCNERNEY SUPPLEMENTAL AMENDED ANSWER AND COUNTERCLAIMS TO CONFORM PLEADING WITH RESPECT TO THE SUBSTITUTE PLAINTIFF.....W..... SUSAN M GRAY 0062356 | |
| 03/28/2008 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR LEAVE TO FILE SUPPLEMENTAL PLEADING OUT OF TIME.....W..... SUSAN M GRAY 0062356 05/15/2008 - DENIED | |
| 03/07/2008 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY RESPONSE IN OPPOSITION TO PLTF'S MOTION FOR SANCTIONS AND REQUEST FOR AN ORDER UPON PLTF. TO SERVE SPECIFIC OBJECTIONS TO THE AMENDED COMPLAINT..... SUSAN M GRAY 0062356 | |
| 03/05/2008 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR SANCTIONS...W.. LAURA C MCBRIDE 0080059 11/13/2008 - MOOT | |
| 02/25/2008 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. NOTICE OF WITHDRAWAL OF COUNSEL. JULIE A HARRIS 0065246 | |
| 02/20/2008 | D4 | SR | CERTIFIED MAIL RECEIPT NO. 11457042 RETURNED BY U.S. MAIL DEPARTMENT 02/19/2008 CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP. MAIL RECEIVED AT ADDRESS 02/09/2008 SIGNED BY OTHER. | |
| 02/15/2008 | D7 | SR | CERTIFIED MAIL RECEIPT NO. 11457671 RETURNED 02/15/2008 FAILURE OF SERVICE ON DEFENDANT GEORGE/NANCY/ - REFUSED NOTICE MAILED TO DEFENDANT(S) ATTORNEY | |
| 02/12/2008 | D5 | SR | CERTIFIED MAIL RECEIPT NO. 11457041 RETURNED 02/12/2008 FAILURE OF SERVICE ON DEFENDANT OMC LENDING,INC. - REFUSED NOTICE MAILED TO DEFENDANT(S) ATTORNEY | |
| 02/12/2008 | D6 | SR | CERTIFIED MAIL RECEIPT NO. 11457040 RETURNED 02/12/2008 FAILURE OF SERVICE ON DEFENDANT NANCY GEORGE DBA OMC LENDING,INC. - REFUSED NOTICE MAILED TO DEFENDANT(S) ATTORNEY | |
| 02/01/2008 | N/A | MG | BENCH TRIAL SET FOR 06/24/2008 AT 09:00 AM. IN THE EVENT A JURY TRIAL IS DEMANDED, TRIAL TO BE HELD 6/28/08 AT 9:00AM WITH JUDGE SPELLACY. PARTIES ARE REMINDED THAT THE OFFICIAL RECORD OF THE HEARING WILL BE BY AUDIO TAPE. IF ATTENDANCE OF A COURT REPORTER IS DESIRED, PARTIES ARE TO ARRANGE FOR A PRIVATE REPORTER WHOSE FEES WILL BE TAXED AS COSTS. TRIAL BRIEFS AND WITNESS AND EXHIBITS LISTS MUST BE FILED 7 DAYS IN ADVANCE OF THE HEARING WITH A COPY DELIVERED TO THE MAGISTRATE. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL. ALL CLIENTS MUST BE PRESENT OR AVAILABLE BY PHONE. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF AFFIRMATIVE CLAIMS FOR RELIEF CLTMP 01/31/2008 NOTICE ISSUED |  |
| 02/01/2008 | N/A | MG | FINAL PRE-TRIAL SET FOR 06/16/2008 AT 01:30 PM. ALL CLIENTS MUST BE PRESENT OR AVAILABLE BY PHONE. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF AFFIRMATIVE CLAIMS FOR RELIEF CLTMP 01/31/2008 NOTICE ISSUED |  |
| 02/01/2008 | D7 | CS | WRIT FEE | |
| 02/01/2008 | D4 | CS | WRIT FEE | |

Exhibit A p. 4




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| 02/01/2008 | D5 | CS | WRIT FEE | |
| 02/01/2008 | D6 | CS | WRIT FEE | |
| 01/31/2008 | N/A | MG | PRETRIAL CALLED. COUNSEL FOR PLAINTIFF, COUNSEL FOR DEFENDANT MCNERNEY, AND MS. MCNERNEY APPEARED. PLAINTIFF'S ORAL REQUEST TO CLARIFY DEFENDANT'S AMENDED ANSWER AND COUNTERCLAIM IS GRANTED. DEFENDANT MCNERNEY HAS 15 DAYS (TO 2/15/2008) TO FILE SUPPLEMENTAL ANSWER AND COUNTERCLAIM TO CONFORM PLEADING WITH RESPECT TO THE SUBSTITUTE PLAINTIFF. PARTIES HAVE UNTIL 04/16/2008 TO CONDUCT DISCOVERY. DISPOSITIVE MOTIONS DUE ON OR BEFORE 05/16/2008. FINAL PRETRIAL AND TRIAL DATES TO BE SET BY SEPARATE ORDER. CLPAL 01/31/2008 NOTICE ISSUED |  |
| 01/31/2008 | N/A | MG | PLAINTIFF'S MOTION TO SUBSTITUTE PARTY PLAINTIFF, FILED 01/14/2008, IS GRANTED. THE CLERK OF COURTS IS HEREBY ORDERED TO SUBSTITUTE GMAC MORTGAGE, LLC. IN PLACE OF THE NAMED PLAINTIFF. THE CLERK TO NOTE ATTORNEY LAURA C. MCBRIDE (BAR #0080059) AS COUNSEL OF RECORD FOR THE SUBSTITUTE PLAINTIFF. CLPAL 01/31/2008 NOTICE ISSUED |  |
| 01/31/2008 | N/A | MG | PLAINTIFF'S MOTION FOR EXTENSION OF TIME IN WHICH TO PRODUCE TITLE WORK, FILED 12/20/2007, IS GRANTED. CLPAL 01/31/2008 NOTICE ISSUED |  |
| 01/25/2008 | D4 | SR | INSTRUCTION FOR SERVICE ON AMENDED ANSWER AND COUNTERCLAIMS AND ADDING PARTY CLAIMS SENT BY CERTIFEID MAIL TO CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP.,OMC LENDING INC,NANCY GEORGE DBA OMC LENDING INC AND NANCY GEORGE % OMC LENDING INC FILED. | |
| 01/24/2008 | D4 | SR | CERTIFIED MAIL RECEIPT NO. 11225348 RETURNED 01/24/2008 FAILURE OF SERVICE ON DEFENDANT CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP. - UNCLAIMED NOTICE MAILED TO DEFENDANT(S) ATTORNEY | |
| 01/22/2008 | D7 | SR | CERTIFIED MAIL RECEIPT NO. 11225350 RETURNED 01/22/2008 FAILURE OF SERVICE ON DEFENDANT NANCY GEORGE C/O OMC LENDING,INC. - UNCLAIMED NOTICE MAILED TO DEFENDANT(S) ATTORNEY | |
| 01/22/2008 | D6 | SR | CERTIFIED MAIL RECEIPT NO. 11225349 RETURNED 01/22/2008 FAILURE OF SERVICE ON DEFENDANT NANCY GEORGE DBA OMC LENDING,INC. - UNCLAIMED NOTICE MAILED TO DEFENDANT(S) ATTORNEY | |
| 01/17/2008 | P1 | OT | STIPULATED EXTENSION OF TIME TO RESPOND TO DEFTS THIRD PARTY CLAIMS . LAURA C MCBRIDE (0080059) | |
| 01/16/2008 | D4 | OT | D4 CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP. STIPULATED EXTENSION OF TIME TO RESPOND TO DEFT'S THIRD-PARTY CLAIMS..... CHRISTOPHER S WILLIAMS 0043911 | |
| 01/14/2008 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION TO SUBSTITUTE PARTY PLAINTIFF.....W..... LAURA C MCBRIDE 0080059 01/31/2008 - GRANTED | |
| 01/14/2008 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. NOTICE OF FILING UPDATED TITLE DOCUMENTATION.....W..... LAURA C MCBRIDE 0080059 | |
| 12/26/2007 | D4 | SR | CERTIFIED MAIL RECEIPT NO. 11225347 RETURNED BY U.S. MAIL DEPARTMENT 12/26/2007 CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP. MAIL RECEIVED AT ADDRESS 12/21/2007 SIGNED BY OTHER. | |
| 12/26/2007 | D3 | SR | CERTIFIED MAIL RECEIPT NO. 11225346 RETURNED BY U.S. MAIL DEPARTMENT 12/26/2007 CHIEF FINANCIAL OFFICER HOMECOMINGS MAIL RECEIVED AT ADDRESS 12/21/2007 SIGNED BY OTHER. | |
| 12/20/2007 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR EXTENSION OF TIME IN WHICH TO PRODUCE TITLE WORK.....(W)..... LAURA C MCBRIDE 0080059 01/31/2008 - GRANTED | |
| 12/18/2007 | D7 | SR | SUMS CROSS-COMPLNT(11225350) SENT BY CERTIFIED MAIL. TO: O OMC LENDING,INC. NANCY GEORGE C 4311 RIDGE ROAD BROOKLYN, OH 44144-0000 |  |
| 12/18/2007 | D6 | SR | SUMS CROSS-COMPLNT(11225349) SENT BY CERTIFIED MAIL. TO: NANCY GEORGE DBA OMC LENDING,INC. 4311 RIDGE ROAD BROOKLYN, OH 44144-0000 |  |
| 12/18/2007 | D4 | SR | SUMS CROSS-COMPLNT(11225348) SENT BY CERTIFIED MAIL. TO: CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP. C/O OMC LENDING INC 4311 RIDGE ROAD BROOKLYN, OH 44144-0000 |  |
| 12/18/2007 | D4 | SR | SUMS CROSS-COMPLNT(11225347) SENT BY CERTIFIED MAIL. TO: CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP. 500 ENTERPRISE ROAD,SUITE 150 HORSHAM, PA 19044-0000 |  |
| 12/18/2007 | D3 | SR | SUMS CROSS-COMPLNT(11225346) SENT BY CERTIFIED MAIL. TO: CHIEF FINANCIAL OFFICER HOMECOMINGS 27725 STANBURY BLVD.,SUITE 375 FARMINGTON HILLS, MI 48334-0000 |  |
| 12/14/2007 | N/A | MG | PRE-TRIAL SET FOR 01/30/2008 AT 01:30 PM. ALL CLIENTS MUST BE PRESENT OR AVAILABLE BY PHONE. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF AFFIRMATIVE CLAIMS FOR RELIEF CLPAL 12/10/2007 NOTICE ISSUED |  |
| 12/13/2007 | D7 | CS | WRIT FEE | |
| 12/13/2007 | D6 | CS | WRIT FEE | |
| 12/13/2007 | D4 | CS | WRIT FEE | |
| 12/13/2007 | D4 | CS | WRIT FEE | |
| 12/13/2007 | D3 | CS | WRIT FEE | |
| 12/10/2007 | N/A | JE | CASE MANAGMENT CONFERENCE CALLED. COUNSEL FOR PLAINTIFF AND COUNSEL FOR DEFENDANT MCNERNEY APPEARED. PLAINTIFF HAS 14 DAYS TO PROVIDE THE COURT WITH PROOF OF OWNERSHIP OF THE SUBJECT NOTE AND MORTGAGE AND UPDATED TITELWORK. FAILURE TO TIMELY COMPLY MAY RESULT IN DISMISSAL OF THE INSTANT CASE, WITHOUT PREJUDICE. FURTHER, AS THE ENTRY DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT DATED 02/05/07 WAS A MAGISTRATE'S ORDER PURSUANT TO CIVIL RULE 53(2)(A)(I), NOT A MAGISTRATE'S DECISION UNDER CIV. RULE 53(3)(A), SAID OBJECTIONS ARE OVERRULED. AS DEFENDANT MCNERNEY MUST PERFECT SERVICE ON THIRD PARTY DEFENDANTS, PRETRIAL TO BE SCHEDULED BY SEPARATE ORDER. CLTMP 12/10/2007 NOTICE ISSUED |  |
| 12/10/2007 | D7 | SR | INSTRUCTION FOR SERVICE ON (AMENDED ANSWER AND COUNTERCLAIMS) CHIEF FINANCIAL OFFICER HOMECOMINGS, CHIEF FINANCIAL OFFICER GMAC MORTGAGE CORP, AND NANCY GEORGE SENT BY CERTIFIED MAIL FILED. | |
| 12/04/2007 | N/A | MG | CASE MGMNT CONFERENCE SET FOR 12/10/2007 AT 01:15 PM. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF AFFIRMATIVE CLAIMS FOR RELIEF CLTMP 11/30/2007 NOTICE ISSUED |  |
| 12/04/2007 | N/A | MG | PLAINTIFF'S MOTION FOR CASE MANAGEMENT CONFERENCE, FILED 11/26/2007, IS GRANTED. CASE MANAGEMENT CONFERENCE TO BE SET BY SEPARATE ORDER. CLTMP 11/30/2007 NOTICE ISSUED |  |
| 11/26/2007 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. PLAINTIFF'S MOTION FOR CASE MANAGEMENT CONFERENCE LAURA C MCBRIDE 0080059 12/04/2007 - GRANTED | |

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| 08/02/2007 | N/A | JE | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR LEAVE TO FILE INSTANTER THE ATTCHED REPLY IN SUPPORT OF ITS OBJECTIONS TO THE MAG'S DECISION.....(W)..... LAURA C MCBRIDE 0080059, FILED 03/06/2007, IS UNOPPOSED AND GRANTED. CLTMP 08/01/2007 NOTICE ISSUED |  |
| 03/06/2007 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. REPLY TO OPPOSITION TO PLTF'S OBJECTIONS TO THE MAG'S DECISION OR IN THE ALTERNATIVE MOTION FOR LEAVE TO FILE INSTANTER OBJECTIONS.....(W)..... LAURA C MCBRIDE 0080059 | |
| 03/06/2007 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR LEAVE TO FILE INSTANTER THE ATTCHED REPLY IN SUPPORT OF ITS OBJECTIONS TO THE MAG'S DECISION.....(W)..... LAURA C MCBRIDE 0080059 08/02/2007 - UNOPPOSED AND GRANTED | |
| 02/26/2007 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY MS. MCNERNEY'S RESPONSE TO MERS' OBJECTIONS TO MAGISTRATE'S DECISION. SUSAN M GRAY 0062356 | |
| 02/20/2007 | P1 | OB | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. OBJECTIONS TO THE MAGISTRATE'S DECISION DENYING PLTF'S MOTION FOR SUMMARY JUDGMENT..... LAURA C MCBRIDE 0080059 | |
| 02/05/2007 | N/A | MG | PLAINTIFF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.'S MOTION FOR SUMMARY JUDGMENT, FILED 06/29/2006, IS DENIED. FINAL PRETRIAL AND TRIAL DATES TO BE SCHEDULED BY SEPARATE ORDER. BOOK 3789 PAGE 0686 02/05/2007 NOTICE ISSUED |  |
| 02/05/2007 | N/A | MG | DEFENDANT PATRICIA JOANNE MCNERNEY'S MOTION FOR LEAVE TO FILE AMENDED ANSWER, COUNTERCLAIMS SUPPLEMENTAL CLAIMS AND THIRD PARTY CLAIMS, FILED 11/06/2006, IS GRANTED AND DENIED IN PART. DEFENDANT MCNERNEY'S MOTION FOR LEAVE TO FILE THIRD PARTY CLAIMS IS GRANTED. DEFENDANT'S MOTION FOR LEAVE TO FILE AMENDED COUNTERCLAIMS, IS DENIED. BOOK 3789 PAGE 0685 02/05/2007 NOTICE ISSUED |  |
| 02/05/2007 | N/A | MG | DEFENDANT PATRICIA JOANNE MCNERNEY'S AMENDED MOTION FOR ORDER TO STRIKE GENERAL OBJECTIONS IN THE MERS' RESPONSES TO REQUEST TO ADMIT: ORDER TO DEEM RESPONSES INSUFFICIENT; ORDER INSUFFICIENT RESPONSES DEEMED ADMITTED; ATTORNEY'S FEES, FILED 08/01/2006, IS DENIED. DEFENDANT PATRICIA JOANNE MCNERNEY'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S BRIEF IN OPPOSITION DIRECTED TOWARDS DEFENDANT'S MOTION FOR LEAVE TO AMENDED PLEADING/OBJECTION TO USE OF DEPOSITION NOT SIGNED BY MS. MCNERNEY, FILED 12/12/2006, IS DENIED. BOOK 3789 PAGE 0684 02/05/2007 NOTICE ISSUED |  |
| 12/20/2006 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. BRIEF IN OPPOSITION TO DEFT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLTF'S BRIEF IN OPPOSITION TO DEFT'S MOTIN FOR LEAVE TO AMEND THE PLEADINGS.....W... LAURA C MCBRIDE 0080059 | |
| 12/12/2006 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR EXTENSION OF TIME TO RESPOND TO PLTF'S. BRIEF IN OPPOSITION DIRECTED TOWARDS DEFT'S. MOTION FOR LEAVE TO AMENDED PLEADING/OBJECTION TO USE OF DEPOSITION NOT SIGNED BY MS. MCNERNEY..... SUSAN M GRAY 0062356 02/05/2007 - DENIED | |
| 11/20/2006 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. NOTICE OF FILING DEPOSITION TRANSCRIPT.....(W)..... LAURA C MCBRIDE 0080059 | |
| 11/17/2006 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT.....(W)..... LAURA C MCBRIDE 0080059 | |
| 11/16/2006 | P1 | BR | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. BRIEF IN OPPOSITION TO DEFTS MOTION FOR LEAVE TO AMEND THE PLEADINGS. JULIE A HARRIS 0065246 | |
| 11/06/2006 | D1 | AN | D1 PATRICIA JOANNE MCNERNEY AMENDED ANSWER AND COUNTERCLAIMS, ALSO ADDING THIRD PARTY CLAIMS, AFFIRMATIVE DEFENSES, AND SUPPLEMENTAL CLAIM. SUSAN M GRAY 0062356 | |
| 11/06/2006 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR LEAVE TO FILE AMENDED ANSWER, COUNTERCLAIMS SUPPLEMENTAL CLAIMS AND THIRD PARTY CLAIMS SUSAN M GRAY 0062356 02/05/2007 - GRANTED AND DENIED IN PART | |
| 11/06/2006 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY RESPONSE IN OPPOSITION AND OBJECTION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. SUSAN M GRAY 0062356 | |
| 10/06/2006 | N/A | SC | TRIAL SCHEDULED FOR 10/10/2006 AT 09:30 AM IS CANCELLED. MAGISTRATE: JIM L JACKSON (0078764) REASON: DEFENDANT GRANTED LEAVE TO RESPOND TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. TRIAL TO BE RESCHEDULED BY SEPARATE ORDER. (notice sent). | |
| 10/06/2006 | N/A | JE | DEFENDANT PATRICIA JOANNE MCNERNEY'S MOTION TO AMEND ANSWERS TO ADMISSIONS, FILED 08/01/2006, IS UNOPPOSED AND GRANTED. BOOK 3687 PAGE 0390 10/06/2006 NOTICE ISSUED |  |
| 10/06/2006 | N/A | JE | PLAINTIFF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.'S MOTION FOR DISCOVERY SANCTIONS, FILED 06/29/2006, IS DENIED. BOOK 3687 PAGE 0389 10/06/2006 NOTICE ISSUED |  |
| 10/06/2006 | N/A | JE | DEFENDANT PATRICIA JOANNE MCNERNEY MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT AND TO RESPOND TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT INCLUDING REQUEST FOR ADDITIONAL TIME TO CONDUCT DISCOVERY, FILED 07/27/2006, IS GRANTED AND DENIED IN PART. DEFENDANT MCNERNEY HAS 30 DAYS FROM THE DATE OF THIS ORDER TO FILE A BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. FURTHER, DEFENDANT'S REQUEST FOR AN EXTENSION OF TIME TO FILE A MOTION FOR SUMMARY JUDGMENT IS DENIED. THE COURT'S CASE MANAGEMENT CONFERENCE HELD ON 02/28/2006 PROVIDED DEFENDANT WITH MORE THAN 90 DAYS TO FILE A DISPOSITIVE MOTION IN THE INSTANT MATTER. DESPITE THE ORDER RESULTING FROM THE CASE MANAGEMENT CONFERENCE (APPEARING AT CIVIL JOURNAL VOLUME 3501, PAGE 0475), DEFENDANT WAITED NEARLY 30 DAYS BEFORE REQUESTING ADDITIONAL TIME TO FILE A DISPOSITIVE MOTION. SAID REQUEST IS THEREFORE DENIED. BOOK 3687 PAGE 0387 10/06/2006 NOTICE ISSUED |  |
| 09/28/2006 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY PRETRIAL STATEMENT. SUSAN M GRAY 0062356 | |
| 09/28/2006 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. NOTICE OF SUBSTITUTION OF COUNSEL.....(W)..... JULIE A HARRIS 0065246 | |
| 09/21/2006 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. FINAL PRE-TIAL STATMENT.....W. LAURA C MCBRIDE 0080059 | |
| 09/14/2006 | N/A | JE | PLAINTIFF'S MOTION FOR LEAVE FOR PLAINTIFF TO ATTEND FINAL PRETRIAL CONFERENCE VIA TELEPHONE, FILED 08/28/2006, IS UNOPPOSED AND GRANTED. BOOK 3666 PAGE 0685 09/14/2006 NOTICE ISSUED |  |
| 08/28/2006 | P1 | MO | PLTF'S MOTION FOR LEAVE FOR PLTF TO ATTEND FINAL PRETRIAL CONFERENCE VIA TELEPHONE.....(W)..... ZOE K. CARLISLE (0078224) 09/14/2006 - GRANTED | |
| 08/22/2006 | N/A | JE | DEFENDANT PATRICIA JOANNE MCNERNEY'S MOTION TO COMPEL COMPLIANCE WITH SUBPOENAS DIRECTED TO OMC LENDING INC. AND RAY GEORGE, FILED 06/06/2006, IS GRANTED. HEARING TO BE SCHEDULED BY SEPARATE ORDER. BOOK 3645 PAGE 0942 08/22/2006 NOTICE ISSUED |  |

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| 08/22/2006 | N/A | JE | DEFENDANT PATRICIA JOANNE MCNERNEY MOTION FOR ORDER TO STRIKE GENERAL OBJECTIONS IN THE MERS' RESPONSES TO REQUESTS TO ADMIT; ORDER TO DEEM RESPONSES INSUFFICIENT; ORDER INSUFFICIENT; ORDER INSUFFICIENT RESPONSES DEEMED ADMITTED; ATTORNEY FEES, FILED 06/22/2006, IS DENIED. BOOK 3645 PAGE 0941 08/22/2006 NOTICE ISSUED |  |
| 08/18/2006 | D1 | SH | CUYAHOGA COUNTY SHERIFF DEPT AUGUST 15, 2006 SERVED SUBPOENA ON: OHIO MORTGAGE CO INC AS FOLLOWS: L/W RAY SERVICE FEE \$16.50 | |
| 08/18/2006 | D1 | SH | CUYAHOGA COUNTY SHERIFF DEPT AUGUST 15, 2006 SERVED SUBPOENA ON: RAY GEORGE AS FOLLOWS: PERSONAL SERVICE SERVICE FEE \$16.50 | |
| 08/17/2006 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY NOTICE OF SERVICE OF SUBPONEA. SUSAN M GRAY 0062356 | |
| 08/14/2006 | D1 | SR | SUBPOENA FOR: RAY GEORGE, ISSUED 08/14/2006 . | |
| 08/14/2006 | D1 | SR | SUBPOENA FOR: OHIO MORTGAGE CO. INC. (OMC LENDING CO.), ATTN: NANCY J. GEORGE - PRESIDENT, ISSUED 08/14/2006 . | |
| 08/01/2006 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION TO AMEND ANSWERS TO ADMISSIONS.....(W)..... SUSAN M GRAY 0062356 10/06/2006 - UNOPPOSED AND GRANTED | |
| 08/01/2006 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY AMENDED MOTION FOR ORDER TO STRIKE GENERAL OBJECTIONS IN THE MERS' RESPONSES TO REQUEST TO ADMIT: ORDER TO DEEM RESPONSES INSUFFICIENT; ORDER INSUFFICIENT RESPONSES DEEMED ADMITTED; ATTORNEY'S FEES.....(W)..... SUSAN M GRAY 0062356 02/05/2007 - DENIED | |
| 07/27/2006 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY RESPONSE AND OBJECTION TO PLTFS MOTION FOR DISCOVERY SANCTIONS. SUSAN M GRAY 0062356 | |
| 07/27/2006 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY REPLY TO PLTFS BRIEF IN OPP TO DEFT MOTION FOR ORDER TO STRIKE, ETC.. SUSAN M GRAY 0062356 | |
| 07/27/2006 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY LEAVE TO FILE REPLY TO PLTFS OBJECTION TO DEFTS MOTION FOR ORDER TO STRIKE, ETC. AND LEAVE TO FILE RESPONSE TO MOTION FOR SANCTION INSTANTER. SUSAN M GRAY 0062356 | |
| 07/27/2006 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR LEAVE TO FILE MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT AND TO RESPOND TO PLTFS MOTION FOR SUMMARY JUDGMENT INCLUDING REQUEST FOR ADDITIONAL TIME TO CONDUCT DISCOVERY SUSAN M GRAY 0062356 10/04/2006 - GRANTED AND DENIED IN PART | |
| 07/27/2006 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT AND TO RESPOND TO PLTFS MOTION FOR SUMMARY JUDGMENT INCLUDING REQUEST FOR ADDITIONAL TIME TO CONDUCT DISCOVERY SUSAN M GRAY 0062356 10/06/2006 - GRANTED AND DENIED IN PART | |
| 06/29/2006 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR DISCOVERY SANCTIONS LAURA C MCBRIDE 0080059 10/06/2006 - DENIED | |
| 06/29/2006 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. LAURA C MCBRIDE 0080059 | |
| 06/29/2006 | P1 | MO | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. MOTION FOR SUMMARY JUDGMENT LAURA C MCBRIDE 0080059 02/05/2007 - DENIED | |
| 06/29/2006 | P1 | BR | PLTF. BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR ORDER TO STRIKE GENERAL OBJECTIONS IN THE MERS' RESPONSES TO REQUESTS TO ADMIT; ORDER TO DEEM RESPONSES INSUFFICIENT;ORDER INSUFFICIENT RESPONSES DEEMED ADMITTED; ATTORNEY FEES. LAURA C MCBRIDE (0080059) | |
| 06/27/2006 | N/A | MG | NOTWITHSTANDING THE CASE SUMMARY DOCKET INFORMATION TO THE CONTRARY, THE SETTLEMENT CONFERENCE SET FOR 07/31/2006 AT 2PM WILL BE HELD AT THE JUSTICE CENTER, 10TH FLOOR. BOOK 3597 PAGE 0580 06/27/2006 NOTICE ISSUED |  |
| 06/22/2006 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR ORDER TO STRIKE GENERAL OBJECTIONS IN THE MERS' RESPONSES TO REQUESTS TO ADMIT; ORDER TO DEEM RESPONSES INSUFFICIENT; ORDER INSUFFICIENT; ORDER INSUFFICIENT RESPONSES DEEMED ADMITTED; ATTY. FEES.....FILED SUSAN M GRAY 0062356 08/22/2006 - DENIED | |
| 06/06/2006 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY NOTICE OF SERVICE OF SUBPOENA. SUSAN M GRAY 0062356 | |
| 06/06/2006 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION TO COMPEL COMPLIANCE WITH SUBPOENAS DIRECTED TO OMC LENDING INC. AND RAY GEORGE; MOTIO TO SHOW CAUSE WHY OMC LENDING INC. AND RAY GEORGE SHOULD NOT BE HELD IN CONTEMPT SUSAN M GRAY 0062356 08/22/2006 - GRANTED | |
| 03/01/2006 | N/A | JE | CASE MGMNT CONFERENCE HELD ON 02/28/2006. ALL DISCOVERY TO BE COMPLETED BY 05/29/2006. DISPOSITIVE MOTION TO BE FILED BY 06/29/2006. RESPONSES DUE WITHIN 30 DAYS FROM SERVICE OF MOTION. SETTLEMENT CONFERENCE SET FOR 07/31/2006 AT 02:00 PM. CLIENTS MUST BE AVAILABLE BY PHONE. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF AFFIRMATIVE CLAIMS FOR RELIEF. FINAL PRETRIAL SET FOR 09/28/2006 AT 02:00 PM. ALL CLIENTS MUST BE PRESENT ABSENT LEAVE OF COURT TO BE AVAILABLE BY PHONE. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF AFFIRMATIVE CLAIMS FOR RELIEF. BENCH TRIAL SET FOR 10/10/2006 AT 09:30 AM. TRIAL BRIEFS, WITNESS LISTS, EXHIBIT LISTS TO BE FILED AND A COPY PROVIDED TO THE MAGISTRATE AT LEAST 7 DAYS PRIOR TO THE TRIAL DATE. FAILURE TO COMPLY MAY RESULT IN AFFIRMATIVE CLAIMS FOR RELIEF. BOOK 3501 PAGE 0475 03/01/2006 NOTICE ISSUED |  |
| 02/14/2006 | N/A | SC | CASE MGMNT CONFERENCE SET FOR 02/28/2006 AT 01:30 PM. (Notice Sent). | |
| 07/22/2005 | P1 | OT | P1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. NOTICE OF APPEARANCE & SUBSTITUTION OF COUNSEL...[W]. ZOE K. CARLISLE 0078224 | |
| 07/27/2004 | N/A | JE | MOTION FOR LEAVE TO PLEAD TO FILE ANSWER OUT OF TIME OF DEFENDANT PATRICIA JOANNE MCNERNEY IS GRANTED. BOOK 3159 PAGE 0056 07/27/2004 NOTICE ISSUED | |
| 07/12/2004 | P1 | AN | ANSWER OF PLTF' TO COUNTERCLAIM OF DEFT. PATRICIA JOANES MCNERNEY....(W)..... ROBERT H YOUNG (0036743) | |
| 06/16/2004 | D1 | MO | D PATRICIA JOANNE MCNERNEY MOTION FOR LEAVE TO P LEAD TO FILE ANSWER OUT OF TIME SUSAN M GRAY 0062356 07/27/2004 - GRANTED | |
| 06/16/2004 | D1 | AN | D1 PATRICIA JOANNE MCNERNEY ANSWER AND COUNTERCLAIM.. SUSAN M GRAY 0062356 | |
| 05/19/2004 | D | JE | STIPULATION FOR LEAVE TO PLEAD (MOTION FOR LEAVE TO PLEAD) MS. MCNERNEY RESPECTFULLY REQUESTS ADDITIONAL TIME TO RESPOND TO THE COMPLAINT SERVED UPON HER 1/28/04. MS. MCNERNEY AND HER COUNSEL EXPECT TO MEET WITH AN ACCOUNTANT ON MAR. 31, 2004, TO REVIEW THE DOCUMENTS RELEVANT TO THIS COMPLAINT. MS. MCNERNEY ANTICIPATES THAT SHE WILL BE ABLE TO RESPOND WITHIN TWO WEEKS OF THAT MEETING. WHEREFORE, MS. MCNERNEY RESPECTFULLY REQUESTS AN EXTENSION TO APR. 15, 2004 TO RESPOND TO THE COMPLAINT, GRTD. OSJ VOL 3122 PGS 844-845. NOTICE ISSUED. | |

| | | | |
|------------|-----|----|---|
| 04/05/2004 | D1 | OT | D1 PATRICIA JOANNE MCNERNEY ENTRY OF APPEARANCE.. SUSAN M GRAY 0062356 |
| 04/05/2004 | D1 | MO | D1 PATRICIA JOANNE MCNERNEY MOTION FOR LEAVE TO PLEAD SUSAN M GRAY 0062356 05/19/2004 - GRANTED |
| 12/31/2003 | D1 | SR | SUMS COMPLAINT(4486103) SENT BY REGULAR MAIL SERVICE. TO: PATRICIA JOANNE MCNERNEY 1241 THOREAU ROAD LAKEWOOD, OH 44107-0000 ANSWER DATE: 01/28/2004 |
| 12/22/2003 | D1 | CS | WRIT FEE |
| 12/16/2003 | D1 | SR | INSTRUCTION FOR SERVICE ON PATRICIA JOANNE MCNERNEY BY ORDINARY MAIL FILED. |
| 12/03/2003 | D1 | SR | CERTIFIED MAIL RECEIPT NO. 4331788 RETURNED 12/03/2003 FAILURE OF SERVICE ON DEFENDANT MCNERNEY/PATRICIA JOANNE/ - UNCLAIMED NOTICE MAILED TO PLAINTIFF(S) ATTORNEY |
| 11/20/2003 | D2 | SR | CERTIFIED MAIL RECEIPT NO. 4336479 RETURNED BY U.S. MAIL DEPARTMENT 11/19/2003 JOHN DOE, UNKNOWN SPOUSE IF ANY OF PATRICIA JOANNE MCNERNEY MAIL RECEIVED AT ADDRESS 11/18/2003 SIGNED BY OTHER. |
| 11/17/2003 | D2 | SR | SUMS COMPLAINT(4336479) SENT BY CERTIFIED MAIL. TO: JOHN DOE, UNKNOWN SPOUSE IF ANY OF PATRICIA JOANNE MCNERNEY 1241 THOREAU ROAD LAKEWOOD, OH 44107-0000 |
| 11/14/2003 | D2 | CS | WRIT FEE |
| 11/14/2003 | D1 | SR | SUMS COMPLAINT(4331788) SENT BY CERTIFIED MAIL. TO: PATRICIA JOANNE MCNERNEY 1241 THOREAU ROAD LAKEWOOD, OH 44107-0000 |
| 11/13/2003 | N/A | JE | IT IS ORDERED BY THE COURT THAT THIS CAUSE BE REFERRED TO THE COURT MAGISTRATE TO TRY THE ISSUES OF LAW AND FACT ARISING THEREIN AND REPORT WITHOUT UNNECESSARY DELAY. BOOK 3021 PAGE 0709 11/13/2003 NOTICE ISSUED |
| 11/12/2003 | D1 | CS | WRIT FEE |
| 11/12/2003 | N/A | SF | MAGISTRATE PHYLLIS E CLEVELAND ASSIGNED (RANDOM) |
| 11/12/2003 | N/A | SF | JUDGE NANCY A FUERST ASSIGNED (RANDOM) |
| 11/12/2003 | P1 | SF | LEGAL RESEARCH |
| 11/12/2003 | P1 | SF | LEGAL NEWS |
| 11/12/2003 | P1 | SF | LEGAL AID |
| 11/12/2003 | P1 | SF | COMPUTER FEE |
| 11/12/2003 | P1 | SF | CLERK'S FEE |
| 11/12/2003 | P1 | SF | DEPOSIT AMOUNT PAID LAW OFFICES OF JOHN D. CLUNK CO. LPA |
| 11/12/2003 | N/A | SF | CASE FILED |
| 11/10/2003 | P1 | SR | PRELIMINARY JUDICIAL REPORT FILED. |
| 11/10/2003 | P1 | SR | COMPLAINT FILED. SERVICE REQUEST - SUMMONS BY CERTIFIED MAIL TO THE DEFENDANT(S). |

Only the official court records available from the Cuyahoga County Clerk of Courts, available in person, should be relied upon as accurate and current.

For questions/comments please [click here](#).

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Exhibit A p. 8

Exhibit B to Declaration of Susan M. Gray:
Docket in Federal District Court for the Northern District of Ohio

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:09-cv-02383-LW**

Homecomings Financial, LLC v. Patricia J. McNerney, et al
Assigned to: Judge Lesley Wells
Demand: \$206,000
Cause: 28:1332 Diversity-Negotiable Instrument

Date Filed: 10/14/2009
Date Terminated: 08/08/2012
Jury Demand: Defendant
Nature of Suit: 220 Real Property:
Foreclosure
Jurisdiction: Diversity

Plaintiff

Homecomings Financial, LLC
formerly known as
Homecomings Financial Network, Inc.

represented by **Jeffrey A. Lipps**
Carpenter, Lipps & Leland
Ste. 1300
280 North High Street
Columbus, OH 43215
614-365-4105
Fax: 614-365-9145
Email: lipps@carpenterlipps.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Angela Paul Whitfield
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280 North High Street
Columbus, OH 43215
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Fax: 614-365-9145
Email: paul@carpenterlipps.com
ATTORNEY TO BE NOTICED

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Calfee, Halter & Griswold - Cleveland
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Cleveland, OH 44114
216-622-8441
Fax: 216-241-0816
Email: cwilliams@calfee.com
TERMINATED: 06/09/2010

David A. Wallace

Carpenter, Lipps & Leland
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280 North High Street
Columbus, OH 43215
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ATTORNEY TO BE NOTICED

Karen M. Cadieux
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Ste. 1300
280 North High Street
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614-365-4100
Fax: 614-365-9145
Email: cadieux@carpenterlipps.com
ATTORNEY TO BE NOTICED

Laura C. McBride
Ulmer & Berne - Cleveland
1100 Skylight Office Tower
1660 West Second Street
Cleveland, OH 44113
216-583-7000
Fax: 216-583-7001
Email: lmcbride@ulmer.com
TERMINATED: 06/09/2010

V.

Defendant

Jim Rokakis

Cuyahoga County Treasurer

Defendant

Exhibit B p. 2

State of Ohio Department of Taxation*TERMINATED: 02/18/2011*represented by **Lucas C. Ward**Office of the Attorney General -
Collections Enforcement

State of Ohio

21st Floor

150 East Gay Street

Columbus, OH 43215

614-466-8671

Fax: 614-752-9070

Email:

lucas.ward@ohioattorneygeneral.gov

*ATTORNEY TO BE NOTICED***Defendant****Patricia J. McNerney***also known as*

Patricia Joanne Kellicker

represented by **Susan M. Gray**

Law Office of Susan M. Gray

Ste. 11

22255 Center Ridge Road

Rocky River, OH 44116

440-331-3949

Fax: 440-331-8160

Email: smgray@smgraylaw.com

*ATTORNEY TO BE NOTICED***Thomas C. Loepp**

Ste. B

1865 Arndale Road

Stow, OH 44224

330-688-0560

Fax: 330-319-8217

Email: Tom@AttorneyLoepp.com

*ATTORNEY TO BE NOTICED***3rd Party Plaintiff****Patricia J. McNerney**represented by **Susan M. Gray**

(See above for address)

*ATTORNEY TO BE NOTICED***Thomas C. Loepp**

(See above for address)

ATTORNEY TO BE NOTICED

V.

3rd Pty Defendant

**Mortgage Electronic Registration
Systems, Inc**

C/O CT Corp. System
1300 East Ninth Street
Cleveland, OH 44113

3rd Pty Defendant**GMAC Mortgage Corp****Counter-Claimant****Patricia J. McNerney**

represented by **Susan M. Gray**
(See above for address)
ATTORNEY TO BE NOTICED

Thomas C. Loepp
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter-Defendant**Homecomings Financial, LLC**

represented by **Jeffrey A. Lipps**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Angela Paul Whitfield
(See above for address)
ATTORNEY TO BE NOTICED

Christopher S. Williams
(See above for address)
TERMINATED: 06/09/2010

David A. Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Karen M. Cadieux
(See above for address)
ATTORNEY TO BE NOTICED

Laura C. McBride
(See above for address)
TERMINATED: 06/09/2010

Counter-Claimant

Exhibit B p. 4

Patricia J. McNerneyrepresented by **Susan M. Gray**

(See above for address)

*ATTORNEY TO BE NOTICED***Thomas C. Loepp**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Counter-Defendant**Homecomings Financial, LLC**represented by **Jeffrey A. Lipps**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Angela Paul Whitfield**

(See above for address)

*ATTORNEY TO BE NOTICED***Christopher S. Williams**

(See above for address)

*TERMINATED: 06/09/2010***David A. Wallace**

(See above for address)

*ATTORNEY TO BE NOTICED***Karen M. Cadieux**

(See above for address)

*ATTORNEY TO BE NOTICED***Laura C. McBride**

(See above for address)

TERMINATED: 06/09/2010

| Date Filed | # | Docket Text |
|------------|--------------------------|--|
| 10/14/2009 | <u>1</u> | Complaint for Foreclosure & Reformation against Jim Rokakis, State of Ohio Department of Taxation, Patricia McNerney. Filing fee paid \$ 350, receipt number 0647-3780615. Filed by Homecomings Financial, LLC. (Attachments: # <u>1</u> Exhibit A - Affidavit, # <u>2</u> Exhibit A-1 - Note, # <u>3</u> Exhibit A-2 - Mortgage, # <u>4</u> Exhibit A-3 - Assignment of Note & Mortgage, # <u>5</u> Exhibit A-4 - Second Assignment of Note & Mortgage, # <u>6</u> Exhibit A-5 - Payment History, # <u>7</u> Exhibit A-6 - Payoff Statement, # <u>8</u> Civil Cover Sheet) (McBride, Laura) Modified text on 10/16/2009 (C,B). (Entered: 10/14/2009) |

| | | |
|------------|---------------------------|---|
| 10/14/2009 | <u>2</u> | Corporate Disclosure Statement filed by Homecomings Financial, LLC, f/k/a Homecomings Financial Network, Inc.. (McBride, Laura) Modified text on 10/15/2009 (B,B). (Entered: 10/14/2009) |
| 10/14/2009 | <u>3</u> | Notice of Filing Preliminary Judicial Report filed by Homecomings Financial, LLC, f/k/a Homecomings Financial Network, Inc.. (McBride, Laura) (Entered: 10/14/2009) |
| 10/14/2009 | | Judge Lesley Wells assigned to case. (C,B) (Entered: 10/14/2009) |
| 10/14/2009 | | Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Perelman. (C,B) (Entered: 10/14/2009) |
| 10/15/2009 | <u>4</u> | Magistrate Consent Form issued. No summons provided, and no summons issued. (C,B) (Entered: 10/15/2009) |
| 10/15/2009 | <u>5</u> | Notice of filing foreclosure action filed by Homecomings Financial, LLC. (C,KA) Modified to correct filing date on 10/20/2009 (B,B). (Entered: 10/16/2009) |
| 10/19/2009 | <u>6</u> | Notice of Review of Foreclosure Complaint and Accompanying Documents. (H,LA) (Entered: 10/19/2009) |
| 10/26/2009 | <u>7</u> | Waiver of Service Returned Executed by Patricia J. McNerney. Patricia J. McNerney waiver sent on 10/14/2009, answer due 12/14/2009. filed on behalf of Homecomings Financial, LLC (McBride, Laura) Modified text on 10/26/2009 (B,B). (Entered: 10/26/2009) |
| 11/10/2009 | <u>8</u> | Answer to <u>1</u> Complaint,, filed by State of Ohio Department of Taxation. (Ward, Lucas) (Entered: 11/10/2009) |
| 01/18/2010 | <u>9</u> | Motion for leave to <i>File Response to Complaint Out of Time and Instantner</i> filed by Defendant Patricia J. McNerney. Related document(s) <u>1</u> . (Gray, Susan) Modified text on 1/19/2010 (B,B). (Entered: 01/18/2010) |
| 01/18/2010 | <u>10</u> | Motion to dismiss <i>complaint for failure to state a claim</i> filed by Defendant Patricia J. McNerney. Related document(s) <u>1</u> , <u>9</u> . (Gray, Susan) (Entered: 01/18/2010) |
| 02/02/2010 | <u>11</u> | Opposition to <u>9</u> Patricia J. McNerney's Motion for leave to <i>File Response to Complaint Out of Time and Motion to Strike Defendant's Motion to Dismiss</i> filed by Homecomings Financial, LLC. (McBride, Laura) Modified text on 2/3/2010 (B,B). (Entered: 02/02/2010) |
| 02/07/2010 | <u>12</u> | Reply to response to <u>9</u> Motion , for leave to <i>File Response to Complaint Out of Time</i> filed by Patricia J. McNerney. (Attachments: # <u>1</u> Exhibit A-State Court Docket)(Gray, Susan) Modified text and links on 2/8/2010 (B,B). (Entered: 02/07/2010) |
| 02/22/2010 | | Order [non-document]Granting Defendant Patricia J. McNerney's motion to file response to complaint out of time. (Related Doc # <u>9</u>) Defendant shall file their response upon receipt of this email notification. Judge Lesley Wells on 2/22/2010.(C,LS) (Entered: 02/22/2010) |
| 02/22/2010 | <u>13</u> | Response to <u>10</u> Motion to dismiss <i>complaint for failure to state a claim</i> filed by Patricia J. McNerney. (Gray, Susan) (Entered: 02/22/2010) |

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| 03/29/2010 | 14 | Opposition to 10 Motion to dismiss <i>complaint for failure to state a claim</i> filed by Homecomings Financial, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(McBride, Laura) (Entered: 03/29/2010) |
| 04/12/2010 | 15 | Motion for extension of to Reply to Plaintiff's Response to Defendant's Motion to Dismiss until May 3, 2010 filed by Defendant Patricia J. McNerney. Related document(s) 14 , 13 . (Gray, Susan) (Entered: 04/12/2010) |
| 04/20/2010 | 16 | Motion for leave <i>to file reply out of time and instanter</i> filed by Defendant Patricia J. McNerney. (Gray, Susan) (Entered: 04/20/2010) |
| 04/20/2010 | 17 | Reply to response to 10 Motion to dismiss <i>complaint for failure to state a claim</i> filed by Patricia J. McNerney. (Attachments: # 1 Exhibit 1-Certified Copy of Public Document)(Gray, Susan) (Entered: 04/20/2010) |
| 05/07/2010 | | Order [non-document]Granting Motion of defendant Patricia McNerney for an extension of time until 3 May 2010 to file reply. Judge Lesley Wells on 5/7/2010.(C,LS) (Entered: 05/07/2010) |
| 05/13/2010 | | Order [non-document]. Motion for leave to file is moot. (Related Doc # 16) Judge Lesley Wells on 5/13/2010.(C,LS) (Entered: 05/13/2010) |
| 06/02/2010 | 18 | Motion to substitute attorney <i>Angela Paul Whitfield</i> in place of attorney <i>Laura McBride</i> filed by Plaintiff Homecomings Financial, LLC. (Whitfield, Angela) (Entered: 06/02/2010) |
| 06/09/2010 | | Order [non-document]Granting Motion to substitute counsel. Laura C. McBride and Christopher S. Williams are removed as counsel from case. Attorney Angela Whitfield will remain as counsel for plaintiffs. (Related Doc # 18) Judge Lesley Wells on 6/10/2010.(C,LS) (Entered: 06/09/2010) |
| 09/24/2010 | 19 | Memorandum Opinion and Order: 10 that the Court finds that Homecomings has met its burden of proof to establish standing with legal sufficiency. McNerney's motion to dismiss is denied. Judge Lesley Wells on 9/24/2010. (K,V) (Entered: 09/24/2010) |
| 09/24/2010 | 20 | Case Management Conference Scheduling Order. A case management conference will be held on 10/14/2010 at 02:30 PM at Courtroom 328 before Judge Lesley Wells. (NOTE LOCATION: 328 Metzenbaum United States Court House, 201 Superior Avenue, Cleveland, Ohio). Judge Lesley Wells on 9/24/2010. (C,LS) (Entered: 09/24/2010) |
| 09/30/2010 | 21 | Motion to attend <i>Case Management Conference</i> by telephone filed by Plaintiff Homecomings Financial, LLC. Related document(s) 20 . (Wallace, David) (Entered: 09/30/2010) |
| 10/05/2010 | | Order [non-document]Granting Plaintiff's Motion excusing the personal attendance of the party representative at the case management conference and allowing to attend by telephone (Related Doc # 21)Judge Lesley Wells on 10/5/2010.(C,LS) (Entered: 10/05/2010) |
| 10/12/2010 | 22 | Report of Parties' Planning Meeting , parties do not consent to this case being assigned to the magistrate judge, filed by All Plaintiffs. (Wallace, David) (Entered: 10/12/2010) |

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| 10/13/2010 | | Notice [Non Document] of Cancellation of the Case Management Conference scheduled for 10/14/2010. This matter will be reset at a later date. (C,LS) (Entered: 10/13/2010) |
| 10/13/2010 | 23 | Motion for extension of time until November 13, 2010 to answer <i>Complaint with affirmative defenses and counterclaims</i> filed by Defendant Patricia J. McNerney. (Gray, Susan) (Entered: 10/13/2010) |
| 10/14/2010 | | Order [non-document]Denying Defendant Patricia J. McNerney's Motion for Extension of Time to Answer. (Related Doc. #23) Judge Lesley Wells on 10/14/2009. (C,LS) (Entered: 10/14/2010) |
| 10/14/2010 | 24 | Answer to 1 Complaint,, with Jury Demand , Third party complaint against GMAC Mortgage Corp, Mortgage Electronic Registration Systems, Inc, Counterclaim against Homecomings Financial, LLC filed by Patricia J. McNerney. (Gray, Susan) (Entered: 10/14/2010) |
| 10/19/2010 | 25 | Motion to strike <i>Defendant Patricia J. McNerney's Answer With Affirmative Defenses, Counterclaims and Third Party Claims</i> filed by Plaintiff Homecomings Financial, LLC. (Attachments: # 1 Exhibit A)(Wallace, David) (Entered: 10/19/2010) |
| 10/19/2010 | 26 | Motion for Entry of Default Against Defendant Patricia J. McNerney filed by Plaintiff Homecomings Financial, LLC. (Wallace, David) (Entered: 10/19/2010) |
| 10/19/2010 | 27 | Motion for default judgment <i>against Defendant Patricia J. McNerney</i> filed by Plaintiff Homecomings Financial, LLC. (Wallace, David) (Entered: 10/19/2010) |
| 10/27/2010 | 28 | Motion for leave to <i>File Answer with Affirmative Defenses, Counterclaims, and Third Party Claims</i> (), Motion for leave to appeal filed by 3rd Party Plaintiff Patricia J. McNerney, Defendant Patricia J. McNerney. (Attachments: # 1 Exhibit A (affidavit of Susan M. Gray))(Gray, Susan) (Entered: 10/27/2010) |
| 10/27/2010 | 29 | Notice of Withdrawal of Docket item #28. filed by Patricia J. McNerney. (Gray, Susan) (Entered: 10/27/2010) |
| 10/27/2010 | 30 | Motion for leave to <i>File Answer with Affirmative Defenses, Counterclaims, and Third Party Claims</i> filed by 3rd Party Plaintiff Patricia J. McNerney, Defendant Patricia J. McNerney. (Attachments: # 1 Affidavit Affidavit of Susan Gray)(Gray, Susan) Modified text to term motion see document #32 on 10/29/2010 (E,P). (Entered: 10/27/2010) |
| 10/28/2010 | 31 | Notice of Withdraw of Docket Item #30, <i>Motion of defendant Patricia McNerney to file answer, counterclaims and third party claims</i> filed by Patricia J. McNerney. Related document(s) 30 .(Gray, Susan) Modified text on 10/29/2010 (E,P). (Entered: 10/28/2010) |
| 10/28/2010 | 32 | Motion(Corrected) for leave to <i>File Answer with Affirmative Defenses, Counterclaims, and Third Party Claims</i> filed by 3rd Party Plaintiff Patricia J. McNerney, Defendant Patricia J. McNerney, Counter-Claimant Patricia J. McNerney. (Attachments: # 1 Exhibit Affidavit of Susan Gray)(Gray, Susan) Modified text on 10/29/2010 (E,P). (Entered: 10/28/2010) |

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| 11/01/2010 | 33 | Response to 27 Motion for default judgment <i>against Defendant Patricia J. McNerney</i> filed by Patricia J. McNerney. (Attachments: # 1 Exhibit A-Docket in Common Pleas Foreclosrue Case)(Gray, Susan) (Entered: 11/01/2010) |
| 11/01/2010 | 34 | Response to 25 Motion to strike <i>Defendant Patricia J. McNerney's Answer With Affirmative Defenses, Counterclaims and Third Party Claims</i> filed by Patricia J. McNerney. (Attachments: # 1 Exhibit A-Docket in Common Pleas Foreclosure Case, # 2 Exhibit B-Affidavit of Susan M. Gray)(Gray, Susan) (Entered: 11/01/2010) |
| 11/02/2010 | | Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Vecchiarelli. (C,BA) (Entered: 11/02/2010) |
| 11/02/2010 | 35 | Opposition to 32 Motion for leave to <i>File Answer with Affirmative Defenses, Counterclaims, and Third Party Claims and Reply in Support of Motion to Strike and Motion for Default Judgment</i> filed by Homecomings Financial, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Wallace, David) (Entered: 11/02/2010) |
| 12/03/2010 | 36 | Emergency Motion for Order Setting Settlement Conference filed by Plaintiff Homecomings Financial, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Wallace, David) (Entered: 12/03/2010) |
| 12/29/2010 | | Notice [Non Document] of a Telephone Conference set for 1/5/2011 at 02:30 PM. The Court will initiate the conference call. (C,LS) (Entered: 12/29/2010) |
| 01/05/2011 | | Order [non-document]Denying Motion to strike. (Related Doc # 25). Judge Lesley Wells on 1/5/2011.(C,LS) (Entered: 01/05/2011) |
| 01/05/2011 | | Order [non-document]Denying Motion for entry of default. (Related Doc # 26). Judge Lesley Wells on 1/5/2011.(C,LS) (Entered: 01/05/2011) |
| 01/05/2011 | | Order [non-document] Denying Motion for default judgment. (Related Doc # 27). Judge Lesley Wells on 1/5/2011.(C,LS) (Entered: 01/05/2011) |
| 01/05/2011 | | Order [non-document]Granting Motion for leave to file. (Related Doc # 32). Judge Lesley Wells on 1/5/2011.(C,LS) (Entered: 01/05/2011) |
| 01/06/2011 | | Telephonic status conference [non-document] with the Chambers of Judge Lesley Wells.Status Conference held on 1/5/2011 with counsel David Wallace and Susan Gray to discuss the Plaintiff's emergency motion for an order setting settlement conference. Counsel agreed to a settlement conference before the Court involving all relevant parties. (D,JA) (Entered: 01/06/2011) |
| 01/06/2011 | 37 | Order referring case to Magistrate Judge Nancy A. Vecchiarelli for Settlement Conference to be held 1/31/2011 at 09:30 AM. Judge Lesley Wells (C,KA) (Entered: 01/06/2011) |
| 01/13/2011 | 38 | Attorney Appearance <i>as co-counsel</i> by Thomas C. Loepp filed by on behalf of Patricia J. McNerney. (Loepp, Thomas) (Entered: 01/13/2011) |
| 01/20/2011 | 39 | Motion for Order Setting Date For Filing Responsive Pleading filed by Plaintiff Homecomings Financial, LLC, Counter-Defendant Homecomings Financial, LLC. (Wallace, David) (Entered: 01/20/2011) |

| | | |
|------------|--------------------|--|
| 01/23/2011 | 40 | Answer with Affirmative Defenses of Patricia J. McNerney, Counterclaim against Homecomings Financial, LLC filed by Patricia J. McNerney. (Gray, Susan) (Entered: 01/23/2011) |
| 01/24/2011 | | Order [non-document]. Motion for order setting date for filing responsive pleading is moot. (Related Doc. #39). Answer was filed on 1/23/2011. Judge Lesley Wells on 1/24/2011.(C,LS) (Entered: 01/24/2011) |
| 01/25/2011 | | Order [non-document]. Plaintiff's Emergency Motion for setting settlement conference is moot. Settlement conference was scheduled before Magistrate Judge Nancy Vecchiarelli on 1/31/2011. (Related Doc # 36) Judge Lesley Wells on 1/25/2011.(C,LS) (Entered: 01/25/2011) |
| 01/26/2011 | 41 | Order re 37 Order of Referral to Judicial Officer for Mediation or Settlement. Settlement Conference set for 1/31/2011 at 09:30 AM in Chambers 10B before Magistrate Judge Nancy A. Vecchiarelli. Position papers and relevant pleadings and documents are to be electronically filed ex parte by 2:00 pm on or before 1/28/2010. The attorney primarily responsible for each party's case and the parties must personally attend. If the party is not a natural person, individuals with full and complete settlement authority must personally attend. Magistrate Judge Nancy A. Vecchiarelli on 1/26/2011. (G,W) (Entered: 01/26/2011) |
| 01/31/2011 | 44 | Minutes of proceedings before Magistrate Judge Nancy A. Vecchiarelli. Settlement Conference held on 1/31/2011. No settlement was reached. Counsel for Plaintiff and Counsel for the Ohio Department of Taxation to confer within the next seven days. Telephone Status Conference set. Notice and Order to follow. (Court Reporter: N/A.) Time: 1 Hour 45 Minutes. (Attachments: # 1 Attendance) (G,W) (Entered: 01/31/2011) |
| 02/01/2011 | 45 | Notice of Status Conference set for 2/7/2011 at 03:30 PM to be held telephonically before Magistrate Judge Nancy A. Vecchiarelli. Counsel for plaintiff will host the call and join in opposing counsel and this Court. Opposing counsel are responsible for informing counsel for plaintiff of the telephone number where he/she can be contacted for the conference call. Cellular telephones or other mobile devices are not an acceptable means of conferencing with this Court. (G,W) (Entered: 02/01/2011) |
| 02/07/2011 | 46 | Attorney Appearance by Karen M. Cadieux filed by on behalf of Homecomings Financial, LLC. (Cadieux, Karen) (Entered: 02/07/2011) |
| 02/08/2011 | 47 | Minute Order of Status Conference held on 2/8/2011. Defendant Ohio Department of Taxation to be dismissed without prejudice. Stipulated dismissal due by the end of the week. Magistrate Judge Nancy A. Vecchiarelli on 2/8/2011. Time: 5 Minutes (G,W) (Entered: 02/08/2011) |
| 02/15/2011 | 48 | Status Report filed by Homecomings Financial, LLC. (Attachments: # 1 Exhibit A)(Wallace, David) (Entered: 02/15/2011) |
| 02/15/2011 | | Notice [non-document] Telephone Conference set for 2/18/2011 at 09:30 AM to be held telephonically before Magistrate Judge Nancy A. Vecchiarelli. Counsel for plaintiff will host the call and join in opposing counsel and this Court. Opposing counsel are responsible for informing counsel for plaintiff of the telephone number where he/she can be contacted for the conference call. Cellular telephones or other mobile devices are |

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| | | not an acceptable means of conferencing with this Court. The telephone conference will be cancelled if the Stipulation is filed prior to the telephone conference. (Related document(s) 48 Status Report. (G,W) (Entered: 02/15/2011)) |
| 02/16/2011 | 49 | Proposed Stipulation <i>Of Dismissal Without Prejudice of Defendant State of Ohio, Department of Taxation</i> filed by Homecomings Financial, LLC, Patricia J. McNerney, State of Ohio Department of Taxation. (Wallace, David) (Entered: 02/16/2011) |
| 02/16/2011 | 50 | Answer to defendant Patricia J. McNerneys counterclaims filed by Homecomings Financial, LLC. Related document(s) 40 . (Wallace, David) Modified text on 2/18/2011 (E,P). (Entered: 02/16/2011) |
| 02/18/2011 | | Notice [non-document] of Cancellation of Telephone Conference previously set for 2/18/2011 at 09:30 AM before Magistrate Judge Vecchiarelli. (G,W) (Entered: 02/18/2011) |
| 02/18/2011 | 51 | Marginal Order and Notice of Party Dismissal of State of Ohio Department of Taxation, re 49 Stipulation filed by Patricia J. McNerney, Homecomings Financial, LLC, State of Ohio Department of Taxation. Judge Lesley Wells (C,KA) (Entered: 02/18/2011) |
| 07/12/2011 | 52 | Case Management Conference Scheduling Order. A case management conference will be held on 8/4/2011 at 09:30 AM at Chambers 328 before Judge Lesley Wells. (NOTE LOCATION: 328 Metzenbaum United States Court House, 201 Superior Avenue, Cleveland, Ohio). Judge Lesley Wells on 7/12/2011. (C,LS) Modified on 7/12/2011 (C,LS). (Entered: 07/12/2011) |
| 07/12/2011 | | Set Deadlines and Hearings with case management conference to be held on 8/4/2011 at 09:30 AM at Courtroom 328 before Judge Lesley Wells. (C,LS) (Entered: 07/12/2011) |
| 07/14/2011 | 53 | Motion to continue Case Management Conference of August 4, 2011 <i>to September 6, 2011</i> filed by 3rd Party Plaintiff Patricia J. McNerney, Defendant Patricia J. McNerney, Patricia J. McNerney, Patricia J. McNerney. Related document(s) 52 ,. (Gray, Susan) (Entered: 07/14/2011) |
| 07/25/2011 | | Order [non-document]Granting Motion to continue the case management conference set for 8/4/2011. (Related Doc # 53)The case management conference is RESET on 9/6/2011 at 02:30 PM at Courtroom 328 before Judge Lesley Wells. Judge Lesley Wells on 7/25/2011.(C,LS) (Entered: 07/25/2011) |
| 08/19/2011 | 54 | Motion to attend <i>Case Management Conference</i> by telephone filed by Plaintiff Homecomings Financial, LLC. (Wallace, David) (Entered: 08/19/2011) |
| 08/22/2011 | | Order [non-document]Granting Plaintiff's Motion to excuse person attendance by their party representative. (Related Doc # 54). Judge Lesley Wells on 8/22/2011.(C,LS) (Entered: 08/22/2011) |
| 08/23/2011 | 55 | Report of Parties' Planning Meeting , parties do not consent to this case being assigned to the magistrate judge, filed by Homecomings Financial, LLC. (Wallace, David) (Entered: 08/23/2011) |

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| 08/24/2011 | 56 | Motion to dismiss <i>Claims of Plaintiff and to go Forward Solely on Defendant's Counterclaims</i> filed by 3rd Party Plaintiff Patricia J. McNerney, Defendant Patricia J. McNerney, Patricia J. McNerney, Patricia J. McNerney. (Attachments: # 1 Brief in Support Memorandum in Support of Motion of Patricia J. McNerney to Dismiss Claims of Plaintiff and to go Forward Solely on Defendant's Counterclaims, # 2 Exhibit A - Certificate of Release, # 3 Exhibit B - Certificate of Release, # 4 Exhibit C - Warranty Deed)(Gray, Susan) (Entered: 08/24/2011) |
| 08/26/2011 | | Notice [Non Document]. The Case Management Conference set for 9/6/2011 is cancelled. This matter will be reset at a later date. (C,LS) (Entered: 08/26/2011) |
| 09/26/2011 | 57 | Opposition to 56 Motion to dismiss <i>Claims of Plaintiff and to go Forward Solely on Defendant's Counterclaims</i> filed by Homecomings Financial, LLC. (Attachments: # 1 Exhibit A)(Wallace, David) (Entered: 09/26/2011) |
| 09/28/2011 | 58 | Motion for judgment on the pleadings filed by Plaintiff Homecomings Financial, LLC. (Wallace, David) (Entered: 09/28/2011) |
| 09/28/2011 | 59 | Memorandum in support of Motion for judgment on the pleadings filed by Plaintiff Homecomings Financial, LLC. Related document(s) 58 . (Attachments: # 1 Exhibit Quintile v. Medina County, # 2 Exhibit ABN AMRO Mortgage Group, Inc. v. Evans Opinion, # 3 Exhibit Price v. EquiFirst Corp., # 4 Exhibit DeBrosse v. Jamiso, # 5 Exhibit Forsyth v. Hall)(Wallace, David) Modified text incorrect event used motion term attorney notified on 11/29/2011 (E,P). (Entered: 09/28/2011) |
| 09/28/2011 | 60 | Motion for summary judgment filed by Plaintiff Homecomings Financial, LLC. (Wallace, David) (Entered: 09/28/2011) |
| 09/28/2011 | 61 | Memorandum in support of Motion for summary judgment filed by Plaintiff Homecomings Financial, LLC. Related document(s) 60 . (Attachments: # 1 Exhibit Trial Transcript Excerpts, # 2 Exhibit Patricia J. McNerney Depo Excerpts, # 3 Exhibit Certified Copy of Order, # 4 Exhibit Photographs, # 5 Exhibit E-mail, # 6 Exhibit Certificate of Release, # 7 Exhibit List of Claims, # 8 Exhibit Smith v. ABN AMRO Mortgage Group, Inc., # 9 Exhibit Amended Answer and Counterclaims, # 10 Exhibit ABN AMRO Mortgage Group, Inc. v. Evans Opinion)(Wallace, David) Modified text incorrect event used motion termed attorney notified on 11/29/2011 (E,P). (Entered: 09/28/2011) |
| 09/28/2011 | 62 | Deposition of Patricia McNerney taken on August 22, 2006 filed by Homecomings Financial, LLC. (Attachments: # 1 Exhibit Note, # 2 Exhibit Mortgage, # 3 Exhibit Notice Concerning Private Mortgage Insurance, # 4 Exhibit First Payment Notice, # 5 Exhibit Notice of Mortgage Loan Purchase, # 6 Exhibit Notice of Mortgage Loan Default, # 7 Exhibit Notice of Mortgage Loan Default, # 8 Exhibit Notice of Mortgage Loan Default, # 9 Exhibit Notice of Mortgage Loan Default, # 10 Exhibit Response to Request for Loan Modification, # 11 Exhibit Complaint, # 12 Exhibit Answer and Counterclaim, # 13 Exhibit Notice of Right to Cancel, # 14 Exhibit Truth-In-Lending Disclosure Statement, # 15 Exhibit Final Settlement Statement, # 16 Exhibit Payoff Statement, # 17 Exhibit Final Settlement Statement)(Wallace, David) (Entered: 09/28/2011) |

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| 09/28/2011 | 63 | Exhibit(s) filed by Homecomings Financial, LLC. (Attachments: # 1 Exhibit Note, # 2 Exhibit Mortgage, # 3 Exhibit Assignment of Note, # 4 Exhibit Assignment of Note and Mortgage, # 5 Exhibit Assignment of Note, # 6 Exhibit Assignment of Note and Mortgage, # 7 Exhibit Corrective Assignment of Note and Mortgage, # 8 Exhibit Certificate of Conversion of Delaware Corporation, # 9 Exhibit Broker/Lender Agreement, # 10 Exhibit Notice of Right to Cancel, # 11 Exhibit Truth-In-Lending Disclosure Statement, # 12 Exhibit Final Settlement Statement, # 13 Exhibit First Payment Notice, # 14 Exhibit Notice Concerning Private Mortgage Insurance, # 15 Exhibit Interest Rate & Points/Fees Evaluation Work Sheet, # 16 Exhibit Detail Year-To-Date Mortgage Loan History, # 17 Exhibit Account History, # 18 Exhibit Revised Payoff Statement, # 19 Exhibit Notice of Mortgage Loan in Default, # 20 Exhibit Quitclaim Deed, # 21 Exhibit Uniform Residential Loan Application, # 22 Exhibit Judgment Entry, # 23 Exhibit TIL Audit Trail, # 24 Exhibit W-2, # 25 Exhibit Pay Stub Lakewood Public Library, # 26 Exhibit Uniform Underwriting and Transmittal Summary, # 27 Exhibit Uniform Residential Loan Application, # 28 Exhibit Copy of Check and Mortgage, # 29 Exhibit Credit Report, # 30 Exhibit Verbal Verification of Employment, # 31 Exhibit Letter from GE Mortgage Insurance, # 32 Exhibit Child Support Records, # 33 Exhibit Response to Loan Modification Inquiry, # 34 Exhibit Notice of Account Servicing Transfer, # 35 Exhibit Daily Rate Sheets, # 36 Exhibit Notice of Account in Default, # 37 Exhibit Loan Underwriting Transmittal, # 38 Exhibit Underwriting Findings Report, # 39 Exhibit Merscorp, Inc. Rules of Membership, # 40 Exhibit Notice of Account in Default, # 41 Exhibit Notice to Closing Agents, # 42 Exhibit Closing Document Control List, # 43 Exhibit Approved Mortgage Broker Recertification, # 44 Exhibit Loan and Price Information, # 45 Exhibit Fees List, # 46 Exhibit Secondary Marketing Rate Lock Information, # 47 Exhibit Servicing Released Transmittal, # 48 Exhibit Funding Control Sheet, # 49 Exhibit Closing Instructions, # 50 Exhibit Document Order Form, # 51 Exhibit State Fact Sheet-Ohio, # 52 Exhibit Revised Pre-Funding Document List)(Wallace, David) (Entered: 09/28/2011) |
| 10/10/2011 | 64 | Reply of Patricia J. McNerney in Support of Her Motion to Dismiss Claims of Plaintiff and to go Forward Solely on Defendant's Counterclaims filed by Patricia J. McNerney. Related document(s) 56 , 57 . (Gray, Susan) (Entered: 10/10/2011) |
| 10/10/2011 | 65 | Notice <i>Statement of Compliance with Page Limitation</i> filed by Patricia J. McNerney. Related document(s) 64 .(Gray, Susan) (Entered: 10/10/2011) |
| 10/28/2011 | 66 | Response to 58 Motion for judgment on the pleadings , 59 Motion for judgment on the pleadings <i>in Opposition</i> filed by Patricia J. McNerney. (Attachments: # 1 Exhibit A - State Trial Court Docket, # 2 Exhibit B - State Appellate Court Docket)(Gray, Susan) (Entered: 10/28/2011) |
| 10/28/2011 | 67 | Response to 61 Motion for summary judgment , 60 Motion for summary judgment <i>in Opposition</i> filed by Patricia J. McNerney. (Attachments: # 1 Exhibit 1 - State Court COmplaint, # 2 Exhibit 2 - Trial Court Docket, # 3 Exhibit 5 - Trial Court order dismissing case, # 4 Exhibit 6 - State Appellate Docket, # 5 Exhibit 7 - Trial Transcript, # 6 Exhibit 8 - Trial transcript exhibit III denying loan modification, # 7 Exhibit 9 - Deposition of Nancy George, # 8 Exhibit 10 - Deposition of Nancy George, exhibit 10)(Gray, Susan) (Entered: 10/28/2011) |

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| 11/11/2011 | 68 | Motion for extension of time until November 24, 2011 to File Reply filed by Plaintiff Homecomings Financial, LLC. Related document(s) 66 , 67 . (Wallace, David) (Entered: 11/11/2011) |
| 11/14/2011 | | Order [non-document]granting 68 Motion for Extension of Time until November 24, 2011 to File Reply. Judge Lesley Wells on 11/14/2011.(A,K) (Entered: 11/14/2011) |
| 11/22/2011 | 69 | Reply to Patricia J. McNerney's response to Motion for summary judgment filed by Plaintiff Homecomings Financial, LLC. Related document(s) 61 . (Wallace, David) Modified text and links on 11/23/2011 (B,B). (Entered: 11/22/2011) |
| 11/22/2011 | 70 | Reply to Patricia McNerney's response to Motion for judgment on the pleadings filed by Plaintiff Homecomings Financial, LLC. Related document(s) 58 . (Wallace, David) Modified text and links on 11/23/2011 (B,B). (Entered: 11/22/2011) |
| 03/30/2012 | 71 | Memorandum and Opinion granting in part and denying in part Motion to dismiss (Related Doc # 56). There is a case or controversy over the Breach of Contract claim thatprevents dismissal of Count I of the Complaint on mootness grounds. The Court, therefore, grants Ms. McNerney's motion to dismiss as to Counts II & III of the Complaint and denies the Defendant's motion as to Count I of the Complaint. Signed by Judge Lesley Wells on 3/30/2012.(K,K) (Entered: 03/30/2012) |
| 08/07/2012 | 72 | Notice of Filing Bankruptcy <i>and Suggestion of Automatic Stay</i> filed by Homecomings Financial, LLC. (Wallace, David) (Entered: 08/07/2012) |
| 08/08/2012 | 73 | Order staying the case pursuant to section 362(A) of the bankruptcy code, and closing the matter pending party notification of emergence from bankruptcy. Related document 72 . Signed by Judge Lesley Wells on 8/8/2012. (K,K) (Entered: 08/08/2012) |
| 07/17/2013 | 74 | Motion to dismiss filed by Plaintiff Homecomings Financial, LLC. (Wallace, David) (Entered: 07/17/2013) |
| 07/31/2013 | 75 | Response to 74 Motion to dismiss filed by Patricia J. McNerney. (Gray, Susan) (Entered: 07/31/2013) |
| 08/07/2013 | 76 | Order granting plaintiff's Motion to dismiss (Related Doc # 74). Ms. McNerney's counterclaims remain pending but subject to the bankruptcy stay. Judge Lesley Wells(C,KA) (Entered: 08/07/2013) |

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Exhibit C to Declaration of Susan M. Gray:
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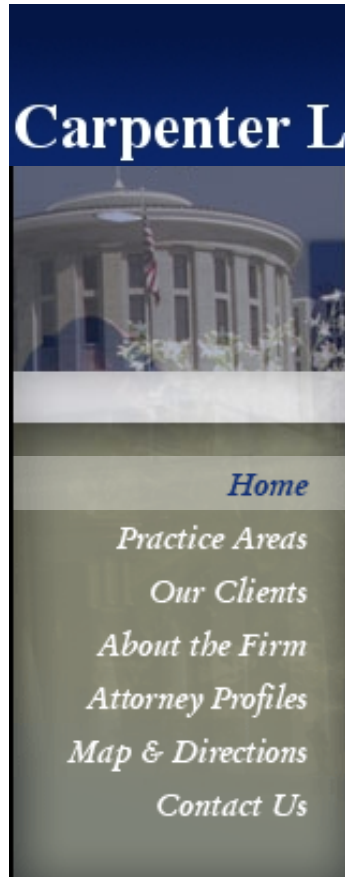
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